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**COUNTY OF SAN LUIS OBISPO**  
**DEPARTMENT OF PLANNING AND BUILDING**  
**STAFF REPORT**

**Tentative Notice of Action**

"Making a Difference"

<b>MEETING DATE</b> January 7, 2005 <b>EFFECTIVE DATE</b>	<b>CONTACT/PHONE</b> Susan Callado (805) 788-2714	<b>APPLICANT</b> Leonard & Jan Gelfand	<b>FILE NO.</b> D030089P
<b>SUBJECT</b> Proposal by Jan & Leonard Gelfand for a Minor Use Permit and grading permit to allow for the establishment of a wine processing facility and case goods and barrel storage in an existing 1,350 square foot barn. Wine production would consist of crushing, fermenting, barrel aging, blending, bottling, and case goods storage with 2,000 cases of wine produced annually at peak capacity. The applicant is not requesting wine tasting or special events. A setback modification is requested reducing the winery setback from 100' feet to 30' on both the north and east property lines. The construction of the barn resulted in approximately 30,492 square feet (0.7 acres) of site disturbance and required 1,140 cubic yards of cut and 1,140 cubic yards of fill for improvements to the existing 18 foot access driveway and the construction of the building pad. The project is located at 5530 Dresser Ranch Place, 1100 feet northeast of the Sunny Ridge Place & Dresser Ranch intersection, approximately 1.2 miles northeast of the intersection on Harvest Ridge Way and Linne Road, east of the City of Paso Robles, in the rural El Pomar-Estrella planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit DRC2003-00150 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
<b>ENVIRONMENTAL DETERMINATION</b> The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 18, 2004, 2004, for this project. Mitigation measures are proposed to address Biological Resources, Public Services and Utilities, and Geology and Soils and are included as conditions of approval.			
<b>LAND USE CATEGORY</b> Agriculture	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 035-021-020	<b>SUPERVISOR DISTRICT(S)</b> ① ② ③ ④ ⑤ All
<b>PLANNING AREA STANDARDS:</b> <i>Does the project meet applicable Planning Area Standards:</i> None applicable			
<b>LAND USE ORDINANCE STANDARDS:</b> Section 22.62.050 Minor Use Permit Approval Section 22.10.140 Setbacks Section 22.10.090 Heights Chapter 22.18 Parking and Loading Section 22.04.190 Fencing and Screening Chapter 22.20 Sign Ordinance Section 22.10.180 Water Quality Section 22.10.120 Noise Standards Section 22.30.070 Agricultural Processing Uses <i>Does the project conform to the Land Use Ordinance Standards:</i> Yes - see discussion			
<b>FINAL ACTION</b> This tentative decision will become final action on the project, effective on the 15 <sup>th</sup> day following the administrative hearing, or on January 21, 2005, if no hearing was requested unless this decision is changed as a result of information obtained at the hearing or is appealed.			

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ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT:  
COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242

EXISTING USES:

Vineyards, a single-family residence and a barn

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Agriculture - Scattered Residences

*East:* Agriculture - Scattered Residences

*South:* Agriculture - Scattered Residences

*West:* Agriculture - Scattered Residences

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:

The project was referred to: Ag Commissioner, Public Works, CDF, Environmental Health, and RWQCB

TOPOGRAPHY:

Gently rolling to moderately steep

VEGETATION:

Vineyards, oak trees

PROPOSED SERVICES:

Water supply: On-site well

Sewage Disposal: Individual septic system

Fire Protection: CDF

ACCEPTANCE DATE:

July 7, 2004

## PROJECT DESCRIPTION

The project proposes the conversion of an existing 1,350 square foot barn building to a wine production facility. Wine production will include crushing, fermenting, barrel aging, blending, bottling, and case goods storage. The winery will produce an estimated 2,000 cases of wine. The applicant is not requesting additional special events (i.e. weddings, concerts, etc.) beyond the allowed industry-wide events (i.e. winemaker dinners, annual Wine Festival, etc.) held annually.

The project is expected to generate approximately 2-6 truck trips annually for deliveries to the site with those trips being during the crush season. The access driveway and interior circulation roads shall be required to meet CDF standards for an 18 foot road width with all weather surface, gate width requirements, turnarounds and vertical clearance. The applicant is not requesting additional special events beyond the allowed industry-wide events held annually.

## LAND USE ORDINANCE STANDARDS:

The applicant is requesting a modification to the Land Use Ordinance Standards for winery setbacks which states that the winery structures and outdoor use areas shall be a minimum of 100 feet from each property line and no closer than 200 feet to any existing residence outside the ownership of the applicant. The proposed winery is located approximately 30 feet from the existing north and east property lines. There are no residences outside the property line within 200 feet of the proposed winery. There is no feasible way to relocate the winery without disturbing the vineyards on site or increasing grading in a known Kit Fox area. In addition, the Agriculture Department has indicated this is the best location for the tasting room facility, reducing potential conflict with agricultural operations on site.

COMMUNITY ADVISORY GROUP COMMENTS: None

AGENCY REVIEW:

Public Works- Supports project  
Environmental Health - Well information needed  
Ag Commissioner- Supports project  
CDF - Supports project with fire safety requirements  
RWQCB - Needs to obtain a "small winery" waiver

**EXHIBIT A - FINDINGS  
GELFAND MINOR USE PERMIT D030089P**

*Environmental Determination*

- A. The Environmental Coordinator, after completion of the initial study, finds that there is no substantial evidence that the project may have a significant effect on the environment, and the preparation of an Environmental Impact Report is not necessary. Therefore, a Negative Declaration (pursuant to Public Resources Code Section 21000 et seq., and CA Code of Regulations Section 15000 et seq.) has been issued on November 18, 2004, for this project. Mitigation measures are proposed to address Biological Resources, Public Services and Utilities, and Geology and Soils and are included as conditions of approval.

*Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use in the Agriculture land use category and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the small winery and tasting room will not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the small winery and tasting room are consistent with the surrounding land uses in the project's vicinity, are expected in an agricultural area, and will not conflict with the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project, because the project is located on Dresser Ranch Road, a paved local road constructed to a level able to handle any additional traffic associated with the project.

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**EXHIBIT B - CONDITIONS OF APPROVAL  
GONZALES MINOR USE PERMIT DRC2003-00150**

**Approved Development**

**1. This approval authorizes:**

- a. The conversion of an existing 1,350 square foot shop building to a wine production facility.
- b. A modification of the 100 foot setback requirement allowing the winery be located 30 feet from the property line.
- c. Wine production will include crushing, fermenting, barrel aging, blending, bottling, and case goods storage. The winery will produce an estimated 2,000 cases of wine.
- d. The applicant is not requesting additional special events (i.e. weddings, concerts, etc.) beyond the allowed industry-wide events (i.e. winemaker dinners, annual Wine Festival, etc.) held annually.
- e. No outdoor amplified music is allowed.
- f. No parking shall be allowed on Dresser Ranch Road.
- g. All applicable construction permits shall be obtained to convert the barn to a wine processing facility.

**2. All development shall be consistent with the approved site plan, floor plan, and architectural elevations.**

**Aesthetics**

3. **At the time of application for construction permits**, the applicant shall clearly delineate the location and visual treatment of any new water tanks on the project plans. All water tanks shall be located in the least visually prominent location feasible when viewed from neighboring properties, and/or Dresser Ranch Road, screening with topographic features, existing vegetation or existing structures is encouraged. If the tank(s) cannot be screened, then the tank(s) shall be a neutral, non-contrasting color, and landscape screening shall be provided.
4. **At the time of application for construction permits**, the applicant shall submit landscape, irrigation, landscape maintenance plans and specifications to the Department of Planning and Building for review and approval in consultation with the Environmental Coordinator. The landscape plan shall be prepared as provided in Section 22.04.186 of the San Luis Obispo County Land Use Ordinance and shall provide vegetation that will adequately screen the driveways, access roads, outbuildings, water tanks, and parking areas from Dresser Ranch Road and the neighboring residences.

**Signs**

5. **At the time of application for construction permits**, the applicant shall provide the County a detailed sign plan in accordance with Land Use Ordinance Chapter 22.20 - *Signs* and the Uniform Sign Code for review and approval.

### Lighting

6. **At the time of application for construction permits**, the applicant shall provide an exterior lighting plan. The plan shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from the neighboring properties and Dresser Ranch Road. All lighting poles, fixtures, and hoods shall be dark colored. This plan shall be implemented prior to final inspection or occupancy, whichever occurs first.
7. The height of free standing outdoor lighting fixtures shall be kept as low as is practically possible so that they are not visible from neighboring properties, Dresser Ranch.
8. Security lighting shall be shielded so as not to create glare when viewed from neighboring properties or Dresser Ranch Road.

### Outdoor Storage

9. Winery related materials stored out of doors shall be screened by solid fencing and shall not be higher than the associated solid fence screening, unless the storage area is not visible from Dresser Ranch and/or adjacent properties.
10. Long-term outdoor winery storage areas shall be screened by solid fencing and materials shall not be stored higher than the associated solid fence screening, unless the storage area is not visible from Dresser Ranch and/or adjacent properties.

### Cultural Resources

11. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
  - a. Construction activities shall cease, and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
  - b. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

### Water / Wastewater

12. **At the time of application for construction permits**, the applicant shall submit evidence to the Planning and Building Department that one or the other of the following Regional Water Quality Control Board (RWQCB) winery wastewater discharge requirements has been met:
  - a. A complete Notice of Intent (NOI) to Comply with the Terms of the General Waste Discharge Requirements for Discharges of Winery Waste and first annual fee has been submitted to the California RWQCB Office, -or-
  - b. Written notification from the RWQCB Office that the Winery has received a Small Winery Waiver.
13. All wash water shall be controlled such that it cannot enter any stream or other surface water body. Winery process liquid waste generated by future winery operations must be discharged to an approved septic system or other wastewater system approved by the Regional Water Quality Control

Board, with no such waste material discharged to the ground surface or otherwise allowed to any stream or other surface water body.

#### **Solid Waste**

14. Solid winery waste (pomace), if any, generated by the winery operation shall be composted on-site and disced into the vineyard, or transported off-site and disposed of in a manner that will not result in the degradation of surface or groundwater.

#### **Public Health**

15. **Prior to issuance of the building permit**, the applicant shall obtain the appropriate Health Department permits. The Health Department will require the following information:
- a. Detailed plans for the tasting room and any other food areas.
  - b. A vector control plan addressing insect and rodent control.
  - c. Domestic and processing wastewater discharge amounts, location of disposal facilities and located of water wells.
  - d. Detailed description of any proposed food service or storage shall be provided to Environmental Health Services prior to commencement.
  - e. A detailed plan for pomace and solid waste disposal.
  - f. Information on the existing well, well drillers log, pump test and full water quality information.

#### **Fire Safety**

16. **At the time of application for construction permits**, all plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code. Requirements shall include, but not be limited to those outlined in the Fire Safety Plan, prepared by the CDF/County Fire Department for this proposed project and dated November 21, 2003.
17. **Prior to occupancy or final inspection**, whichever comes first, the applicant shall obtain final inspection approval of all required fire/life safety measures.

#### **Noise**

18. The project shall comply with the noise limits in the County Noise Element: From 7a.m. to 10p.m.(daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10p.m. to 7a.m. (nighttime) noise levels at the project property line shall not exceed an hourly average of 45dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB.

### **ENVIRONMENTAL MITIGATION**

#### **Biological Resources**

19. Total compensatory mitigation required for the project is 1.4 acres, based on 2 times 0.7 acres impacted. The mitigation options identified in BR-1 through BR-11 **apply to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required. (Conditions include 19. BR-1 to 19. BR-11)
- BR-1 **Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:
- a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.4 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit

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fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,500. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.4 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.4 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends



monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

BR-3 **Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developers Statement/Conditions of Approval shall be clearly delineated on project plans.

BR-4 **During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

BR-5 **Prior to issuance of grading and/or construction permit**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be

developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

- BR-6 **During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 **During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 **During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 **Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 **During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.
- BR-11 **Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:
- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
  - b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

**Geology and Soils**

20. During construction, the applicant shall implement erosion control measures as required by the San Luis Obispo County Land Use Ordinance.
21. The applicant shall also submit an Erosion and Sedimentation Control Plan and implement the plan as required by County Land Use Ordinance.
22. The construction and/or grading plans shall be prepared in accordance with the recommendations provided in the Geotechnical Engineering Report (Buena Geotechnical Services; 2003).

**Public Services**

23. This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

**Miscellaneous**

24. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
25. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
26. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.02.050.
27. This project is also subject to the standard conditions of approval for all projects using individual wells and septic tanks, a copy of which is attached hereto and incorporated by reference herein as though set forth in full.

**Indemnification**

28. The applicant shall as a condition of approval of this minor use permit defend, at his sole expense, any action brought against the County of San Luis Obispo, its present or former officer, agents, or employees, by a third party challenging either its decision to approve this minor use permit or the manner in which the county is interpreting or enforcing the conditions of this minor use permit, or any other action by a third party relating to approval or implementation of this minor use permit. The applicant shall reimburse the County for any court costs and attorney's fees which the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition.

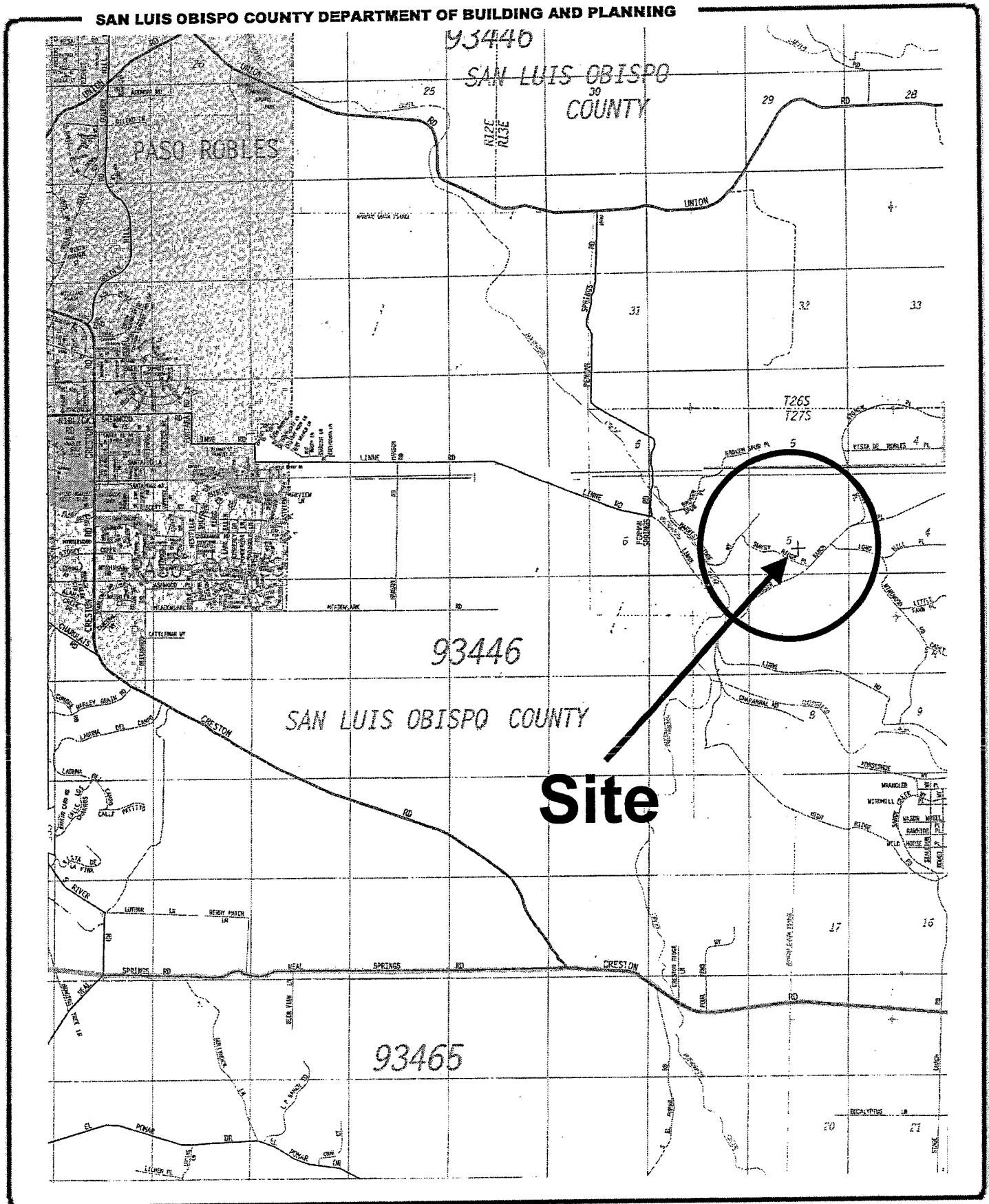
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STANDARD CONDITIONS OF APPROVAL FOR PROJECTS  
USING INDIVIDUAL WELLS AND SEPTIC TANKS

1. The site shall have its own private well(s) for a domestic water supply approved by the county Health Department, except as set forth in 2c.
2. Operable water facilities shall exist prior to final inspection of the building permit. Evidence of adequate and potable water, shall be submitted to the county Health Department, including the following:
  - A. (Potability) A complete on-site chemical analysis shall be submitted for evaluation as required.
  - B. (Adequacy) On the well a minimum four (4) hour pump test performed by a licensed and bonded well driller or pump testing business shall be submitted for review and approval.
3. On-site systems that are in conformance with the county-approved Central Coast Regional Water Quality Control Board basin plan will be an acceptable method of sewage disposal.
4. No sewage disposal system installations are to be placed closer than 100 feet from the top of any perennial or continuous creek banks, drainage swales or areas subject to inundation.
5. Sewage disposal systems shall be separated from any individual domestic well and/or agricultural well, as follows: 1) leaching areas, feed lots, etc., one hundred (100) feet and bored seepage pits (dry wells), one hundred and fifty (150) feet. Domestic wells intended to serve multiple parcels or 25 or more individuals at least 60 days out of the year shall be separated by a minimum of two hundred (200) feet from a leachfield, two hundred and fifty (250) feet from seepage pits or dry wells.
6. Sewage disposal systems installed on slopes in excess of 20% shall be designed and certified by a registered civil engineer or geologist and submitted to the county Planning Department for review and approval prior to the issuance of a building permit. Consultants shall determine geologically stable building sites and sewage disposal for each parcel, including evaluations of hillside stability under the most adverse conditions including rock saturation and seismic forces. Slopes in excess of 30% are not considered suitable or practical for subsurface sewage disposal.
7. An encroachment permit shall be obtained from county Public Works for any work to be done within the county right-of-way.
8. An encroachment permit shall be obtained from the California Department of Transportation for any work to be done on the state highway.
9. Any existing reservoir or drainage swale on the property shall be delineated on the grading plan.
10. The applicant shall comply with state, county and district laws/ordinances applicable to fire protection and consider increased fire risk to area by the subdivision of land proposed.
11. All conditions of approval herein specified, unless otherwise noted, shall be complied with prior to the final inspection of the building permit.

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P

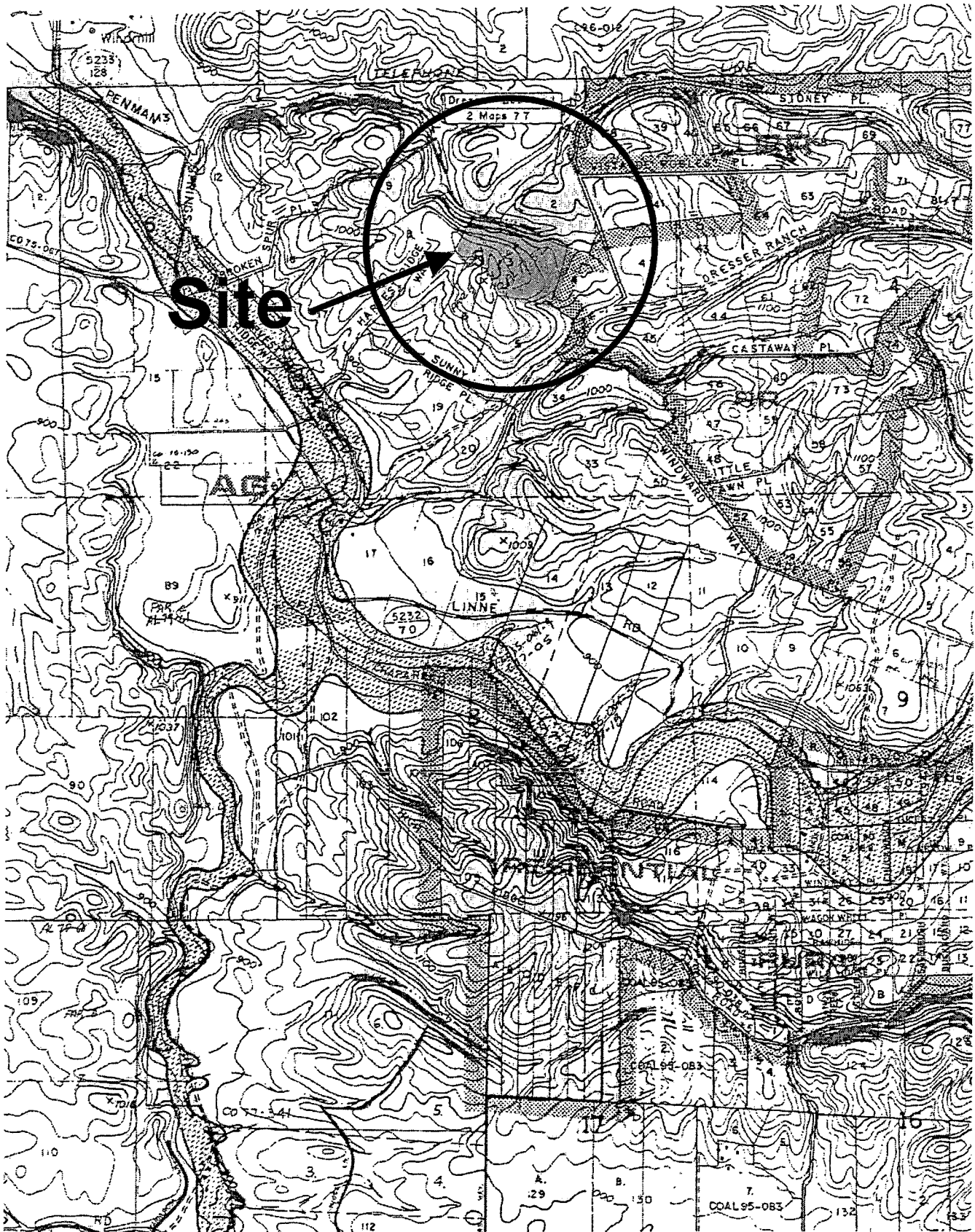


EXHIBIT

Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P

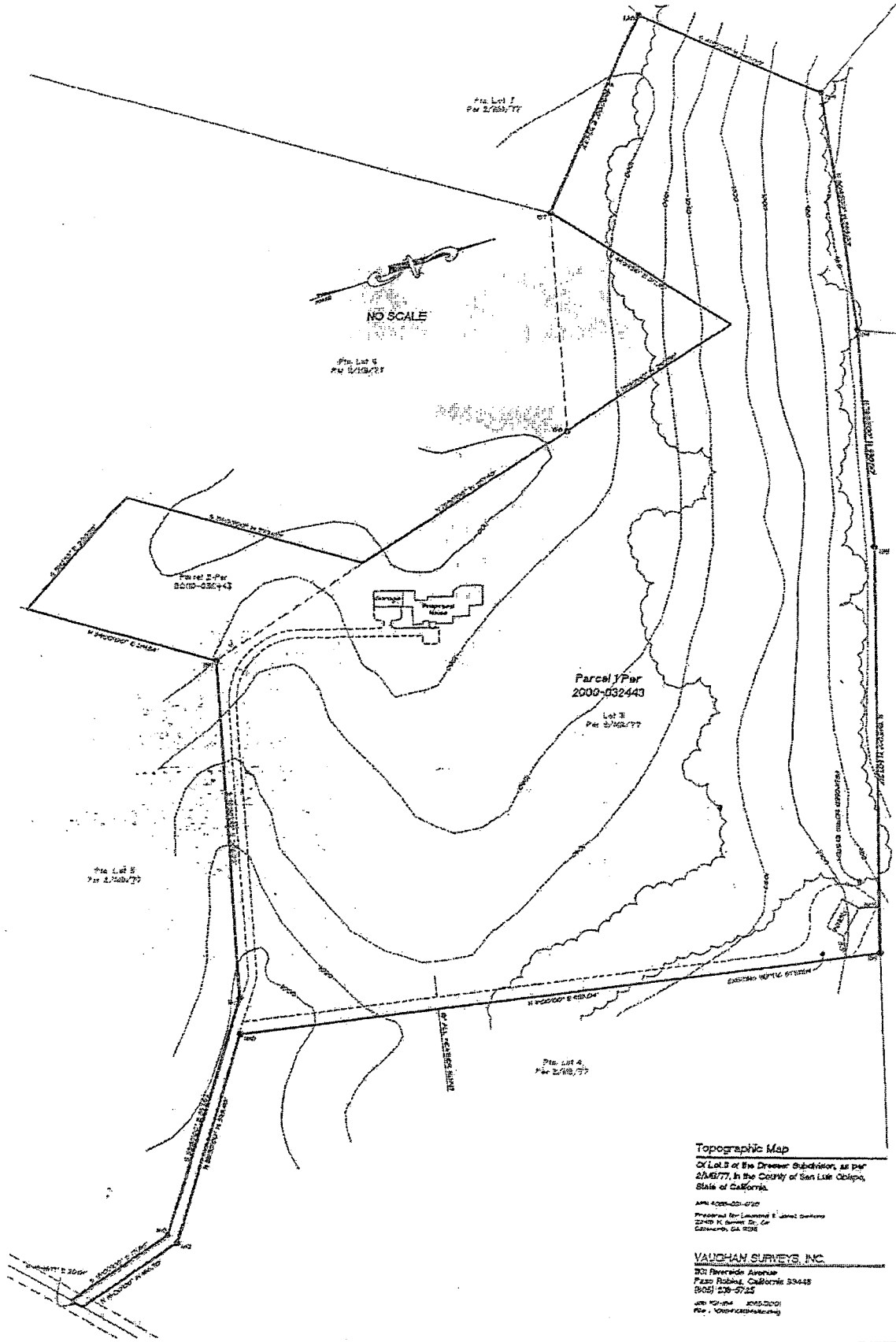


EXHIBIT

Land Use Category Map-AG

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P



EXHIBIT

Site Plan



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SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING



PROJECT

Minor Use Permit  
Gelfand/ D030089P



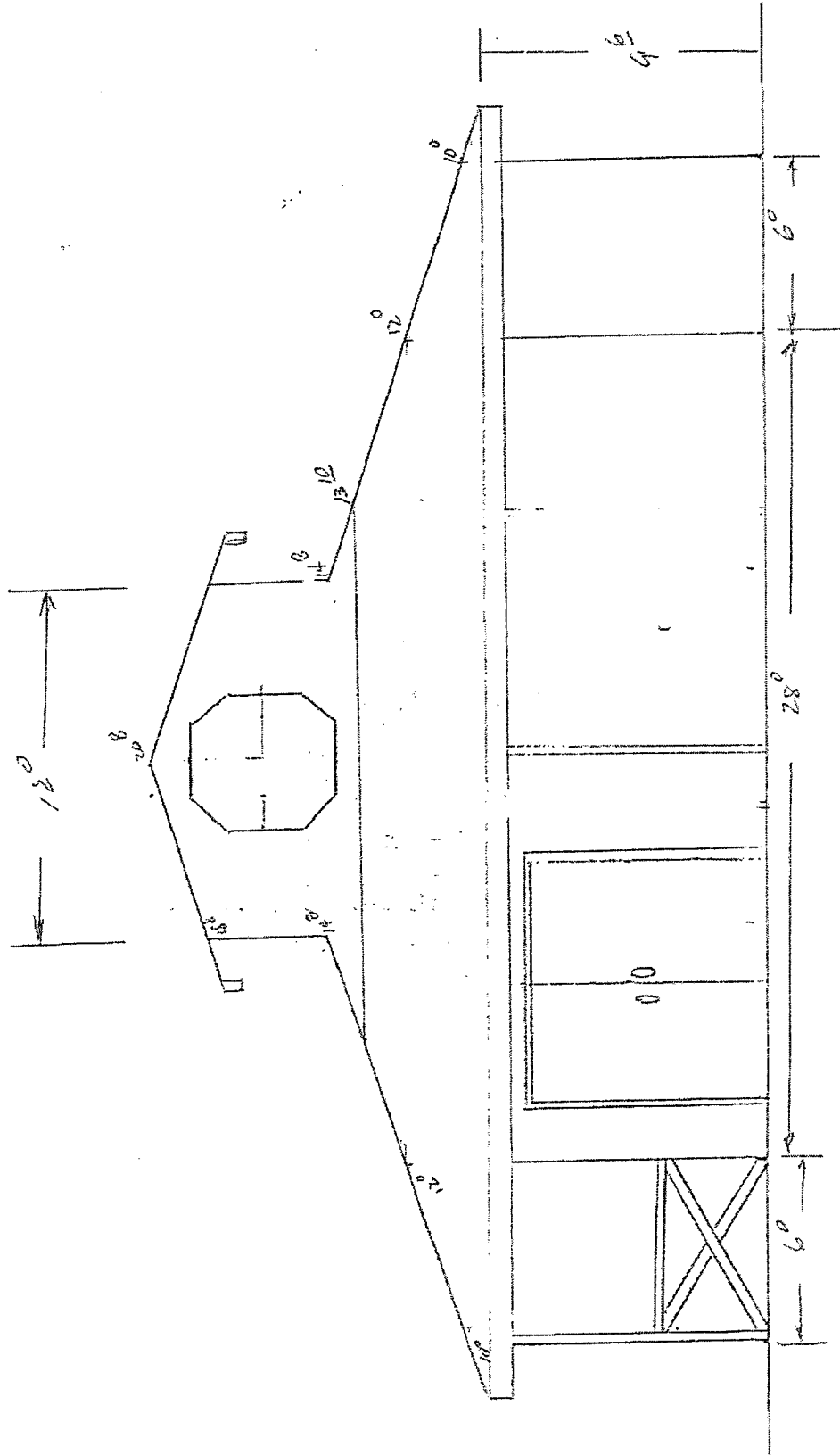
EXHIBIT

Aerial Photo



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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P



EXHIBIT

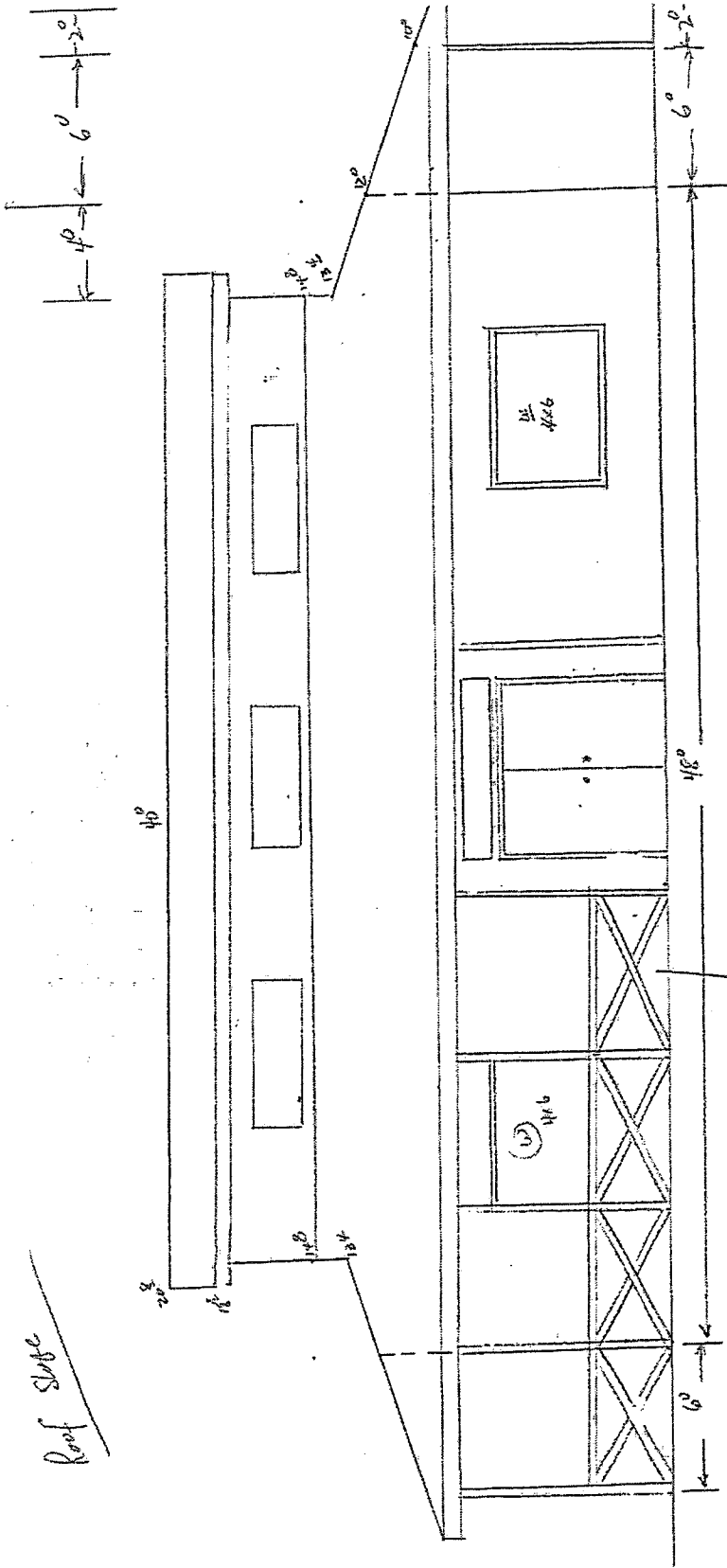
Front Elevation

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

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Roof Slope



PROJECT

Minor Use Permit  
Gelfand/ D030089P

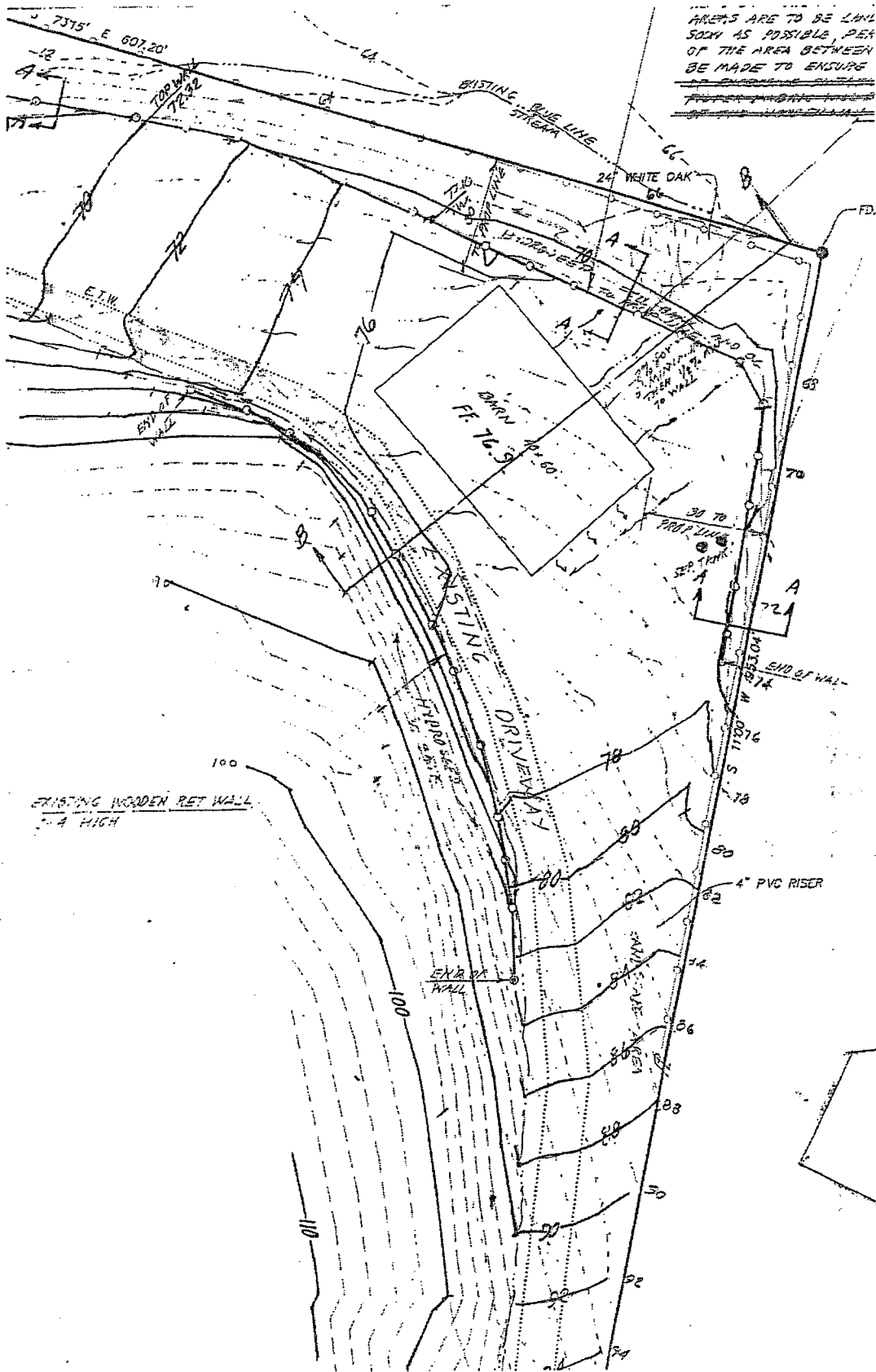


EXHIBIT

Side Elevation



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



AREAS ARE TO BE LAND  
SOON AS POSSIBLE, PER  
OF THE AREA BETWEEN  
BE MADE TO ENSURE

PROJECT

Minor Use Permit  
Gelfand/ D030089P



EXHIBIT

Existing Wooden Retaining Wall

3-21



CDF/San Luis Obispo County  
Fire Department

635 N. Santa Rosa • San Luis Obispo • California, 93405

RECEIVED

NOV 26 2003

Planning & Bldg

November 21, 2003

County of San Luis Obispo  
Department of Planning/Building  
County Government Center  
San Luis Obispo, CA 93408

Dear North County Team,

## COMMERCIAL FIRE SAFETY PLAN

**Name:**Gelfand      **Project Number:**D030089P

The Department has reviewed the minor use plans submitted for the proposed barn conversion to a winery project located at 5530 Dresser Ranch Pl, Paso Robles. The property is located within the moderate fire hazard severity area, and will require a minimum 10-12 minute response time from the nearest County Fire Station.

**The owner of the project shall meet the minimum fire and life safety requirements of the California Fire Code (1998 edition) with amendments. This fire safety plan shall remain on the project site until final inspection. The following standards are required:**

### PORTABLE FIRE EXTINGUISHER(S)

- Portable fire extinguishers shall be installed and comply with the Uniform Fire Code (2000) Section 1002.1, Standard 10-1.
- The contractor shall be licensed by the State Fire Marshal.
- The minimum requirements will be determined during the building permit/fire safety plan process.

### WATER STORAGE TANK

- A minimum of 2,500 gallons of water in storage shall be required.
- Emergency water tanks shall have a(n):
  1. automatic fill,
  2. sight gage,
  3. venting system,
  4. The minimum water main size shall not be less than four (4) inches.

### WATER SUPPLY CONNECTION

One residential fire connection shall be required.

The connection shall be:

1. on the driveway approach to the residence,
2. not less than 50 feet, or exceed 150 feet from the residence,
3. within 8 feet of driveway,
4. two feet above grade,
5. brass with 2½ inch National Standard male hose thread and cap,
6. identified by a blue reflector,
7. 8 feet from flammable vegetation.

### ACCESS

- Access road width shall be 18 feet.
- The project shall provide a minimum 20-foot fire lanes for emergency vehicle access.

3-22

- All road and driveway surfaces shall be all weather.
- All surfaces shall be constructed to meet a load capacity of 20 tons.

### ADDRESSING

- Legible address numbers shall be placed on all structures.
- Residential and commercial shall be addressed separately.
- Legible address numbers shall be located at the driveway entrance.

### FINAL INSPECTION

The project will require final inspection. **Please allow five (5) working days for final inspection.** When the safety requirements have been completed, **call Fire Prevention at (805) 543-4244, extension 2220**, to arrange for a final inspection. Currently South San Luis Obispo County inspections occur on Tuesdays and North County inspections occur on Thursdays.

Further information may be obtained from our website located at [www.cdfslo.org](http://www.cdfslo.org) ~ Planning and Engineering section. If we can provide additional information or assistance, please call (805) 543-4244.

Sincerely,

Gilbert R. Portillo  
Fire Inspector

C: Mr. Leonard Gelfand, owner  
Ms. Rachel Dumas, agent

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COUNTY OF SAN LUIS OBISPO

FOR OFFICIAL USE ONLY (SC)

MITIGATED NEGATIVE DECLARATION & NOTICE OF DETERMINATION

ENVIRONMENTAL DETERMINATION NO. ED02-523

DATE: November 18, 2004

PROJECT/ENTITLEMENT: Gelfand Grading Permit PMT2002-14506 & Minor Use Permit D030089P

APPLICANT NAME: Leonard and Jan Gelfand

ADDRESS: 22418 N. Summit Ridge Circle, Chatsworth, CA 91311

CONTACT PERSON: James V. Sheppard

Telephone: (805) 238-0320

**PROPOSED USES/INTENT:** A request to allow for the 1) reduction of the property set back from 100 feet to 30 feet along the northern and eastern property lines; 2) conversion of an approximate 1,350 square foot barn to a wine processing facility, including case goods and barrel storage; and 3) as built grading for the existing barn, existing access driveway and retaining walls near a seasonal creek, which has resulted in the disturbance of approximately 30,492 square feet of an approximate 25 acre parcel

**LOCATION:** The project is located at 5530 Dresser Ranch Place, 1100 feet northeast of Sunny Ridge Place, approximately 1.2 miles northeast of the intersection on Harvest Ridge Way and Linne Road, east of the City of Paso Robles, in the rural El Pomar-Estrella planning area.

**LEAD AGENCY:** County of San Luis Obispo Department of Planning & Building  
County Government Center, Rm. 310  
San Luis Obispo, CA 93408-2040

**OTHER POTENTIAL PERMITTING AGENCIES:** None

**ADDITIONAL INFORMATION:** Additional information pertaining to this environmental determination may be obtained by contacting the above Lead Agency address or (805) 781-5600.

COUNTY "REQUEST FOR REVIEW" PERIOD ENDS AT ..... 5 p.m. on December 2, 2004  
(Circle one) 20-DAY 30-DAY PUBLIC REVIEW PERIOD begins at the time of public notification

**Notice of Determination**

State Clearinghouse No. \_\_\_\_\_

This is to advise that the San Luis Obispo County \_\_\_\_\_ as ☐ Lead Agency  
☐ Responsible Agency approved/denied the above described project on \_\_\_\_\_, and has made the following determinations regarding the above described project:

The project will not have a significant effect on the environment. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA. Mitigation measures were made a condition of the approval of the project. A Statement of Overriding Considerations was not adopted for this project. Findings were made pursuant to the provisions of CEQA.

This is to certify that the Negative Declaration with comments and responses and record of project approval is available to the General Public at:

Department of Planning and Building, County of San Luis Obispo,  
County Government Center, Room 310, San Luis Obispo, CA 93408-2040

County of San Luis Obispo

Signature

Title

Date

Public Agency

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San Luis Obispo County  
Department of Planning and Building  
*environmental division*

**ENVIRONMENTAL DOCUMENT FILING FEE FORM**

NOTICE: During environmental review, this project required consultation, review or development of mitigation measures by the California Department of Fish and Game. Therefore, the applicants will be assessed user fees pursuant to section 711.4 of the California Fish and Game Code.. The California Environmental Quality Act (Section 21089) provides that this project is not operative, vested or final until the filing fees are paid.

Lead Agency: County of San Luis Obispo

Date: November 8, 2004

County: San Luis Obispo

Project No. PMT 2002-14506/  
D030089P

Project Title: Brown Grading Permit and Minor Use Permit for a winery

**Project Applicant**

Name: Leonard & Jan Gelfand

Address: 22418 N. Summit Ridge Circle

City, State, Zip Code: Chatsworth, CA 91311

Telephone #: 818-773-1107

Please remit the following amount to the **County Clerk-Recorder:**

Negative Declaration \$ 1250.00

County Clerk's Fee \$ 25.00

**Total amount due: \$1275.00**

**AMOUNT ENCLOSED:**     

Checks should be made out to the "County of San Luis Obispo". Payment must be received by the County Clerk, 1144 Monterey Street, Suite A, San Luis Obispo, CA 93408-2040, within two days of project approval.

**NOTE:** Filing of the Notice of Determination for the attached environmental document requires a filing fee in the amount specified above. If the fee is not paid, the Notice of Determination cannot be filed.



3-25



**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY SUMMARY - ENVIRONMENTAL CHECKLIST**

**Project Title & Number: Gelfand Grading Permit B021913-001 and Minor  
Use Permit D030089P, ED02-523**

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:** The proposed project could have a "Potentially Significant Impact" for at least one of the environmental factors checked below. Please refer to the attached pages for discussion on mitigation measures or project revisions to either reduce these impacts to less than significant levels or require further study.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                      | <input checked="" type="checkbox"/> Geology and Soils         | <input type="checkbox"/> Recreation                 |
| <input type="checkbox"/> Agricultural Resources          | <input type="checkbox"/> Hazards/Hazardous Materials          | <input type="checkbox"/> Transportation/Circulation |
| <input type="checkbox"/> Air Quality                     | <input type="checkbox"/> Noise                                | <input type="checkbox"/> Wastewater                 |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Population/Housing                   | <input type="checkbox"/> Water                      |
| <input type="checkbox"/> Cultural Resources              | <input checked="" type="checkbox"/> Public Services/Utilities | <input type="checkbox"/> Land Use                   |

☐ Mandatory Findings of Significance

**DETERMINATION:** (To be completed by the Lead Agency)

On the basis of this initial evaluation, the Environmental Coordinator finds that:

- ☐ The proposed project COULD NOT have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- ☒ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- ☐ The proposed project MAY have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.
- ☐ The proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed.
- ☐ Although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Susan Callado  
Prepared by(Print)

Signature

November 10, 2004  
Date

Steve Mc Masters  
Reviewed by(Print)

Signature

Ellen Carroll,  
(for)

Environmental Coordinator

Date

**Project Environmental Analysis**

The County's environmental review process incorporates all of the requirements for completing the Initial Study as required by the California Environmental Quality Act (CEQA) and the CEQA Guidelines. The Initial Study includes staff's on-site inspection of the project site and surroundings and a detailed review of the information in the file for the project. In addition, available background information is reviewed for each project. Relevant information regarding soil types and characteristics, geologic information, significant vegetation and/or wildlife resources, water availability, wastewater disposal services, existing land uses and surrounding land use categories and other information relevant to the environmental review process are evaluated for each project. Exhibit A includes the references used, as well as the agencies or groups that were contacted as a part of the Initial Study. The Environmental Division uses the checklist to summarize the results of the research accomplished during the initial environmental review of the project.

Persons, agencies or organizations interested in obtaining more information regarding the environmental review process for a project should contact the County of San Luis Obispo Environmental Division, Rm. 310, County Government Center, San Luis Obispo, CA, 93408-2040 or call (805) 781-5600.

**A. PROJECT**

**DESCRIPTION:** - Proposal by Jan & Leonard Gelfand for a Minor Use Permit and grading permit to allow for the establishment of a wine processing facility and case goods and barrel storage in an existing 1,350 square foot barn. Wine production would consist of crushing, fermenting, barrel aging, blending, bottling, and case goods storage with 2,000 cases of wine produced annually at peak capacity. The applicant is not requesting wine tasting or special events. A setback modification is requested reducing the winery setback from 100' feet to 30' on both the north and east property lines. The project also includes as built grading for the existing barn which resulted in approximately 30,492 square feet (0.7 acres) of site disturbance and required 1,140 cubic yards of cut and 1,140 cubic yards of fill for improvements to the existing 18 foot access driveway and the construction of the building pad and retaining walls near a seasonal creek. The project is located at 5530 Dresser Ranch Place, 1100 feet northeast of the Sunny Ridge Place & Dresser Ranch intersection, approximately 1.2 miles northeast of the intersection on Harvest Ridge Way and Linne Road, east of the City of Paso Robles, in the rural El Pomar-Estrella planning area.

ASSESSOR PARCEL NUMBER(S): 035-021-020

SUPERVISORIAL DISTRICT #1

**B. EXISTING SETTING**

PLANNING AREA: El Pomar-Estrella

LAND USE CATEGORY: Agriculture

COMBINING DESIGNATION(S): None

EXISTING USES: Vineyards and a single-family residence

TOPOGRAPHY: Gently to moderately sloping

VEGETATION: Grasses, oak trees, limited riparian brush

PARCEL SIZE: +25 acres

SURROUNDING LAND USE CATEGORIES AND USES:

*North:* Agriculture - single family residence

*East:* Residential Rural - single family residence

**C. ENVIRONMENTAL ANALYSIS**

During the Initial Study process, several issues were identified as having potentially significant environmental effects (see following Initial Study). Those potentially significant items associated with the proposed uses can be minimized to less than significant levels.

**COUNTY OF SAN LUIS OBISPO  
INITIAL STUDY CHECKLIST**

1. <b>AESTHETICS - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Create an aesthetically incompatible site open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Introduce a use within a scenic view open to public view?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Change the visual character of an area?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Create glare or night lighting which may affect surrounding areas?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Impact unique geological or physical features?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project (barn and associated grading) is located in the northeast corner of property located on Dresser Ranch Place, 1.2 miles north of Linne Road. The surrounding land is developed with scattered single family residences. The site is not visible from any public or private roads. The subject property is developed with vineyards and a single family residence. The proposed project is not aesthetically incompatible with the surrounding area and uses, and will not change the visual character of the area. No significant visual impacts are expected to occur as a result of the project.

**Mitigation/Conclusion.** No mitigation measures are necessary.

2. <b>AGRICULTURAL RESOURCES - Will the project:</b>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Convert prime agricultural land to non-agricultural use?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Impair agricultural use of other property or result in conversion to other uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Conflict with existing zoning or Williamson Act program?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The soil types on the property include Balcom-Nacimiento complex. As described in the NRCS Soil Survey, this soil is considered Class IV (non-irrigated) and Class IV (irrigated). The property is not under an agricultural conservation contract, no agricultural activities are located in the area where the barn has been constructed. No significant agricultural impacts expected to occur.

**Mitigation/Conclusion.** No mitigation measures are necessary.

<b>3. AIR QUALITY - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Violate any state or federal ambient air quality standard, or exceed air quality emission thresholds as established by County Air Pollution Control District?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Expose any sensitive receptor to substantial air pollutant concentrations?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create or subject individuals to objectionable odors?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be inconsistent with the District's Clean Air Plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** As proposed, the project will result in both short-term vehicle emissions (which helps create ozone) and the creation of dust during harvest. There will be two to six small truck trips each year to for shipments of finished products to costumers. No tasting or special events are allowed. As proposed, the project will result in the disturbance of approximately 0.7 acres and movement of 1140 cubic yards of material. Based on Table 1-1 of the CEQA Air Quality Handbook, the project will result in less than 10 lbs./day of pollutants, which is below the threshold warranting any mitigation. Therefore, no mitigation measures are necessary and the potential impacts are considered less than significant.

**Mitigation/Conclusion.** No mitigation measures are necessary.

<b>4. BIOLOGICAL RESOURCES - Will the project:</b>	<b>Potentially Significant</b>	<b>Impact can &amp; will be mitigated</b>	<b>Insignificant Impact</b>	<b>Not Applicable</b>
a) <i>Result in a loss of unique or special status species or their habitats?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce the extent, diversity or quality of native or other important vegetation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Impact wetland or riparian habitat?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Introduce barriers to movement of resident or migratory fish or wildlife species, or factors which could hinder the normal activities of wildlife?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Other</i> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** The project site is gently to moderately sloping. The vegetation on the site consists of native grasses, oak trees and limited riparian brush. The Natural Diversity Database identified this area as important habitat for the San Joaquin Kit Fox, a federally listed endangered species and a state listed threatened species.

**Impact.** Previous environmental review on the project site (Gelfand Grading Permit B010299/002, ED01-251; 2002) indicated that a San Joaquin Kit Fox habitat evaluation form was prepared by a qualified biologist to address this listed species. Based on the results of the previous Kit Fox Habitat Evaluation, the mitigation ratio for the project was established as 2:1. This means that for every acre of disturbance resulting from project activities (e.g. pad for buildings, access roads, leach fields etc.), the applicant would be required to mitigate a total of 2 acres of habitat. The applicant has agreed to mitigate a total compensatory acreage of 1.4 ( 0.7 acres multiplied by a 2:1 ratio) be mitigated.

The applicant will be required to mitigate the loss of 1.4 acres of kit fox habitat by one of the following ways: Deposit of funds to an approved in-lieu fee program; provide for the protection of kit foxes in perpetuity through acquisition of fee or conservation easement of suitable habitat in the kit fox corridor area; or purchase credits in an approved conservation bank. At this time, there is no approved Conservation Bank which is operational in San Luis Obispo County. If none of the other three alternatives are available, the applicant may enter into a Mitigation Agreement with the Department of Fish and Game, including depositing funds into an escrow account (or other means of securing funds acceptable to the Department) which would assure the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management. To prevent inadvertent harm to kit fox, the applicant has agreed to retain a biologist for a pre-construction survey and monitoring activities and implement cautionary construction measures. These mitigation measures are listed in detail in Exhibit B Mitigation Summary Table.

The implementation of the above measures will mitigate biological impacts to a level of insignificance.

**5. CULTURAL RESOURCES -**  
***Will the project:***

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <b><i>Disturb pre-historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <b><i>Disturb historic resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <b><i>Disturb paleontological resources?</i></b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <b><i>Other</i></b> _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impacts/Conclusion:** The project is not located in an area that would be considered culturally sensitive due to lack of physical features typically associated with prehistoric occupation. No evidence of cultural or prehistorical materials were noted on-site and no impacts are anticipated.

No historical structures are present and no paleontological resources are known to exist in the area. Impacts to historic or paleontological resources is not expected.

**6. GEOLOGY AND SOILS -***Will the project:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in exposure to or production of unstable earth conditions, such as landslides, earthquakes, liquefaction, ground failure, land subsidence or other similar hazards?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) <i>Be within a CA Dept. of Mines &amp; Geology Earthquake Fault Zone (formerly Alquist Priolo)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Result in soil erosion, topographic changes, loss of topsoil or unstable soil conditions from project-related improvements, such as vegetation removal, grading, excavation, or fill?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) <i>Change rates of soil absorption, or amount or direction of surface runoff?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) <i>Include structures located on expansive soils?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Change the drainage patterns where substantial on- or off-site sedimentation/ erosion or flooding may occur?</i>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) <i>Involve activities within the 100-year flood zone?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Be inconsistent with the goals and policies of the County's Safety Element relating to Geologic and Seismic Hazards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) <i>Preclude the future extraction of valuable mineral resources?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
j) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting. Geology.** The topography of the project is rolling hills. The area proposed for development is outside of the Geologic Study Area designation. The landslide risk potential is considered moderate. The liquefaction potential during a ground-shaking event is considered moderate. No active faulting is known to exist on or near the subject property. There is no evidence that measures above what will already be required by ordinance or code are needed. The project is not potentially within a known area containing serpentine rock.

**Drainage.** An unnamed tributary to Huerhuero Creek is found along the eastern edge of the property, approximately 200 feet east of the proposed development. The area proposed for development is outside of the 100-year Flood Hazard designation. As described in the NRCS Soil Survey, these soils are not well to moderately drained. No specific measures above what will already be required by ordinance or code are considered necessary.

**Sedimentation and Erosion.** The soil types include: Balcom-Nacimiento complex. As described in the NRCS Soil Survey, the soil surface is considered moderate to highly erodible and has a moderate

shrink-swell characteristic.

**Impact.** The construction of the as built barn resulted in approximately 30,492 square feet (0.7 acres) of site disturbance and required 1,140 cubic yards of cut and 1,140 cubic yards of fill for improvements to the existing 18 foot access driveway and the construction of the building pad. Proper erosion control methods were not installed when this project was completed. Some erosion has occurred along the drainage area. Erosion of graded areas and discharge of sediment down gradient will likely result, if adequate temporary and permanent measures are not taken before, during and after vegetation removal and grading. If not properly mitigated, these impacts both on the project site and within surrounding areas may be significant.

**Mitigation/Conclusion.** The applicant has resubmitted grading plans to include proper erosion control methods. A sedimentation and erosion control plan has been prepared (per County Land Use Ordinance (Inland), Sec. 22.52.090) and incorporated into the project to minimize sedimentation and erosion. The plan has been prepared by a registered civil engineer and verified by a geotechnical engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures. Implementation of the previously-referenced sedimentation and erosion control plan will reduce potential sedimentation and erosion impacts to less than significant levels. Based on the proposed project and implementation of standard requirements (including the proposed mitigation measures) geological, drainage, and sedimentation/ erosion impacts will be reduced to less than significant levels

## 7. HAZARDS & HAZARDOUS MATERIALS - Will the project:

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Result in a risk of explosion or release of hazardous substances (e.g. oil, pesticides, chemicals, radiation) or exposure of people to hazardous substances?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Interfere with an emergency response or evacuation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Expose people to safety risk associated with airport flight pattern?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) <i>Increase fire hazard risk or expose people or structures to high fire hazard conditions?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Create any other health hazard or potential hazard?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is not located in an area of known hazardous material contamination and does not propose use of hazardous materials. The project was reviewed by the California Department of Forestry and a Fire Safety Plan was approved for the project. If the Fire Safety Plan is incorporated into future development (See discussion under Section 12 Transportation), impacts are expected to be reduced to an insignificant level. There is a vineyard on site. Typically vineyards spray for insects and other pests. The use of pesticides is under the purview of the state's required pesticide program which is the functional equivalent of CEQA. Therefore, hazardous substances impacts are considered less than significant.

8. NOISE - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Expose people to noise levels which exceed the County Noise Element thresholds?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Generate increases in the ambient noise levels for adjoining areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose people to severe noise or vibration?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is located in a agricultural area with no residences in the immediate vicinity of the site and is not adjacent to any noise generating uses. The project shall comply with the noise limits in the County Noise Element: From 7a.m. to 10p.m.(daytime), noise levels at the project property line shall not exceed an hourly average of 50 dB, with a maximum level of 70 dB, and a maximum impulsive noise level of 65 dB. From 10p.m. to 7a.m. (nighttime) noise levels at the project property line shall not exceed an hourly average of 45dB, with a maximum level of 65 dB, and a maximum impulsive noise level of 60 dB. The project will not generate nor is it exposed to significant stationary or transportation-related noise sources, therefore, no significant noise impacts are expected to occur and no mitigation measures are required.

9. POPULATION/HOUSING - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Induce substantial growth in an area either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Displace existing housing or people, requiring construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create the need for substantial new housing in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Use substantial amount of fuel or energy?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impact.** The project is agricultural in nature. The winery will employ the owners and non-permanent seasonal employees. The project will not result in a need for a significant amount of new housing, and will not displace existing housing. Therefore, no significant population and housing impacts are expected to occur and no mitigation measures are required.



**10. PUBLIC SERVICES/UTILITIES -**  
*Will the project have an effect upon, or result in the need for new or altered public services in any of the following areas:*

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Fire protection?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Police protection (e.g., Sheriff, CHP)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Solid Wastes?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The closest CDF fire station is the Paso Robles station 2, which is about 4 miles from the proposed project. The closest Sheriff substation is in Paso Robles, which is about 7 miles from the proposed project. The project is located within the Paso Robles Unified School District.

**Impact. Fire and Police:** Impact fees are charged new development, to help pay the cost of providing new facilities to serve the expanding rural areas. The current fire and police stations are adequate to accommodate additional residential uses in this area.

**Schools:** At buildout, the County's population will overburden the existing school system unless additional classroom space is added. The Paso Robles Unified School District charges impact fees to fund additional schools as needed. State law restricts mitigation of school impacts to the levying of these fees and other measures adopted by the school district. Provision of adequate facilities for the population is the responsibility of the school district. Fees will be required through construction permits for each of the new residential structure

**Mitigation / Conclusion.** This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

**11. RECREATION - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) Increase the use or demand for parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Affect the access to trails, parks or other recreation opportunities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Other _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The County Trails Plan does not show a future trail being considered on the subject property. The project is not proposed in a location that will affect any trail, park or other recreational resource, and will not create a significant need for additional park or recreational resources therefore mitigation is not required.

12. TRANSPORTATION/ CIRCULATION - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Increase vehicle trips to local or areawide circulation system?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Reduce existing "Levels of Service" on public roadway(s)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Create unsafe conditions on public roadways (e.g., limited access, design features, sight distance, slow vehicles)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Provide for adequate emergency access?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Result in inadequate parking capacity?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Result in inadequate internal traffic circulation?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) <i>Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., pedestrian access, bus turnouts, bicycle racks, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) <i>Result in a change in air traffic patterns that may result in substantial safety risks?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact.** The project will have access onto Dresser Ranch Place, a local road that is currently at an acceptable level of service. Adequate parking for the facility has been provided on-site and with the implementation of the Fire Safety Plan, the project will provide adequate emergency access to and from the site.

**Impact/Mitigation.** The winery will produce wine from the on-site vineyard. There will be two to six small truck trips annually for shipments of finished products to customers. The access driveway and interior circulation roads shall be required to meet CDF standards for an 18 foot road width with all weather surface, gate width requirements, turnarounds and vertical clearance. The Public Works Department has reviewed the project and has no concerns. No other measures beyond standard requirements are necessary.

13. WASTEWATER - <i>Will the project:</i>	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate waste discharge requirements or Central Coast Basin Plan criteria for wastewater systems?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**13. WASTEWATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
b) <i>Change the quality of surface or ground water (e.g., nitrogen-loading, daylighting)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Adversely affect community wastewater service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting.** Based on Natural Resource Conservation Service (NRCS) Soil Survey map, the soil type where the on-site wastewater system will be placed is Balcom-Nacimiento complex. Based on the NRCS Soil Survey, the main limitation(s) of this soil for wastewater effluent include:

- **shallow depth to bedrock**, which is an indication that there may not be sufficient soil depth to provide adequate soil filtering of effluent before reaching bedrock. Once effluent reaches bedrock, the chances increase for the effluent to infiltrate cracks that could lead directly to groundwater source or surrounding wells without adequate filtering, or allow for daylighting of effluent where bedrock is exposed to the earth's surface.
- **steep slopes**, where portions of the soil unit contain slopes steep enough to result in potential daylighting of wastewater effluent;
- **Slow percolation**, where fluids will percolate too slowly through the soil for the natural processes to effectively break down the effluent into harmless components. The Basin Plan identifies the percolation rate needs to be between 30 and 120 minutes per inch.

**Impact.** The winery will ultimately produce approximately 2,000 cases of wine annually at peak capacity. The pomace generated by the wine production process will be dispersed over the vineyard. The wastewater generated by the project will be processed and treated by an on-site septic system. The winery will generate less than 200 gallons of wastewater per day during peak crush. Sufficient area exists in areas of gentle to moderate slope to engineer an adequate septic and leachfield system.

The County Building and Construction Ordinance requires the applicant to submit percolation rates for the new septic system prior to issuance of the building permit and the septic system will be required to be designed by a registered civil engineer. Additionally, the project is subject to the waste discharge permit requirements of the Regional Water Quality Control Board. Therefore, there are no potentially significant impacts, and no specific measures above standard requirements have been determined necessary.

**14. WATER - Will the project:**

	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
a) <i>Violate any water quality standards?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Discharge into surface waters or otherwise alter surface water quality (e.g., turbidity, temperature, dissolved oxygen, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

14. WATER - Will the project:	Potentially Significant	Impact can & will be mitigated	Insignificant Impact	Not Applicable
c) <i>Change the quality of groundwater (e.g., saltwater intrusion, nitrogen-loading, etc.)?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Change the quantity or movement of available surface or ground water?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Adversely affect community water service provider?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting/Impact - Water Usage.** The project proposes to use an on-site well as its water source. The winery will use approximately 200 gallons of water a day during the peak crush season. The County Building and Construction Ordinance and the Environmental Health Department requires the applicant to submit water well tests to verify both capacity and potability for the proposed water source prior to issuance of the building permit. Based on available information, the proposed ground water source is not considered in a state of overdraft. Therefore, there are no potentially significant impacts, and no specific measures above standard requirements have been determined necessary.

**Setting/Surface Water Quality.** The topography of the site is level to moderately sloping. Standard drainage and erosion control measures will be required for the proposed project and will provide sufficient measures to adequately protect surface water quality. No additional measures are considered necessary and potential water quality impacts are either insignificant or will be reduced to less than significant levels.

15. LAND USE - Will the project:	Inconsistent	Potentially Inconsistent	Consistent	Not Applicable
a) <i>Be potentially inconsistent with land use, policy/regulation (e.g., general plan [county land use element and ordinance], local coastal plan, specific plan, Clean Air Plan, etc.) adopted to avoid or mitigate for environmental effects?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) <i>Be potentially inconsistent with any habitat or community conservation plan?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) <i>Be potentially inconsistent with adopted agency environmental plans or policies with jurisdiction over the project?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) <i>Be potentially incompatible with surrounding land uses?</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) <i>Other _____</i>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Setting / Impacts -** The proposed project was reviewed for consistency with policy and/or regulatory documents relating to the environment and appropriate land use (e.g., County Land Use Ordinance,

Agriculture and Open Space Element, etc.). Referrals were sent to several agencies to review for various policy consistencies. The project was found to be consistent with these documents.

The project is surrounded by similar agricultural development. The proposed project is compatible with these surrounding uses. Since no inconsistencies were identified, no additional measures above what will already be required was determined necessary.

**16. MANDATORY FINDINGS OF SIGNIFICANCE - Will the project:**

Potentially  
Significant

Impact can  
& will be  
mitigated

Insignificant  
Impact

Not  
Applicable

- a) ***Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?***

☐
☒
☐
☐

- b) ***Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current project's, and the effects of probable future projects)***

☐
☒
☐
☐

- c) ***Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?***

☐
☐
☒
☐

For further information on CEQA or the county's environmental review process, please visit the County's web site at "www.slocoplanbldg.com" under "Environmental Review", or the California Environmental Resources Evaluation System at "http://ceres.ca.gov/topic/env\_law/ceqa/guidelines/" for information about the California Environmental Quality Act.

**Exhibit A - Initial Study References and Agency Contacts**

The County Planning or Environmental Division have contacted various agencies for their comments on the proposed project. With respect to the subject application, the following have been contacted (marked with an "X") and when a response was made, it is either attached or in the application file:

<b><u>Contacted</u></b>	<b><u>Agency</u></b>	<b><u>Response</u></b>
<u>X</u>	County Public Works Department	In File *
<u>X</u>	County Environmental Health Division	In File *
<u>X</u>	County Agricultural Commissioner's Office	In File *
___	County Airport Manager	Not Applicable
___	Airport Land Use Commission	Not Applicable
___	Air Pollution Control District	Not Applicable
___	County Sheriff's Department	Not Applicable
___	Regional Water Quality Control Board	Not Applicable
___	CA Coastal Commission	Not Applicable
<u>X</u>	CA Department of Fish and Game	In File *
<u>X</u>	CA Department of Forestry	Attached
___	CA Department of Transportation	Not Applicable
___	_____ Community Service District	
___	Other _____	

\* "No comment" or "No concerns"-type responses are usually not attached

The following checked ("✓") reference materials have been used in the environmental review for the proposed project and are hereby incorporated by reference into the Initial Study. The following information is available at the County Planning and Building Department.

<u>✓</u>	Project File for the Subject Application	<u>✓</u>	El Pomar-Estrella Area Plan and Update EIR
<u>✓</u>	County documents	___	_____ Circulation Study
___	Airport Land Use Plans	<u>Other documents</u>	
<u>✓</u>	Annual Resource Summary Report	<u>✓</u>	Archaeological Resources Map
___	Building and Construction Ordinance	<u>✓</u>	Area of Critical Concerns Map
___	Coastal Policies	<u>✓</u>	Areas of Special Biological Importance Map
<u>✓</u>	Framework for Planning (Coastal & Inland)	<u>✓</u>	California Natural Species Diversity Database
<u>✓</u>	General Plan (Inland & Coastal), including all maps & elements; more pertinent elements considered include:	<u>✓</u>	Clean Air Plan
<u>✓</u>	<u>✓</u> Agriculture & Open Space Element	<u>✓</u>	Fire Hazard Severity Map
<u>✓</u>	<u>✓</u> Energy Element	<u>✓</u>	Flood Hazard Maps
<u>✓</u>	<u>✓</u> Environment Plan (Conservation, Historic and Esthetic Elements)	<u>✓</u>	Natural Resources Conservation Service Soil Survey for San Luis Obispo County
<u>✓</u>	<u>✓</u> Housing Element	<u>✓</u>	Regional Transportation Plan
<u>✓</u>	<u>✓</u> Noise Element	<u>✓</u>	Uniform Fire Code
___	Parks & Recreation Element	<u>✓</u>	Water Quality Control Plan (Central Coast Basin - Region 3)
<u>✓</u>	<u>✓</u> Safety Element	___	Other _____
<u>✓</u>	Land Use Ordinance	___	Other _____
___	Real Property Division Ordinance		
<u>✓</u>	Trails Plan		
___	Solid Waste Management Plan		

In addition, the following project-specific information and/or reference materials have been considered as a part of the Initial Study:

Adopted Negative Declaration Gelfand B010229/002; 2002.

## Exhibit B - Mitigation Summary Table

### Biological Resources

Total compensatory mitigation required for the project is 1.4 acres, based on 2 times 0.7 acres impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.4 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,500. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.4 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.4 acres of suitable habitat in the kit fox corridor area and provide for

a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

- a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.
- b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, disking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.
- c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:
  - a) Potential kit fox den: 50 feet
  - b) Known or active kit fox den: 100 feet
  - c) Kit fox pupping den: 150 feet
2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.



3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

- BR-3 Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developers Statement/Conditions of Approval shall be clearly delineated on project plans.
- BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.
- BR-5 Prior to issuance of grading and/or construction permit**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.
- BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.
- BR-7 During the site-disturbance and/or construction phase**, any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.
- BR-8 During the site-disturbance and/or construction phase**, all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.
- BR-9 Prior to, during and after the site-disturbance and/or construction phase**, use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.
- BR-10 During the site-disturbance and/or construction phase**, any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant

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shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first**, should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.

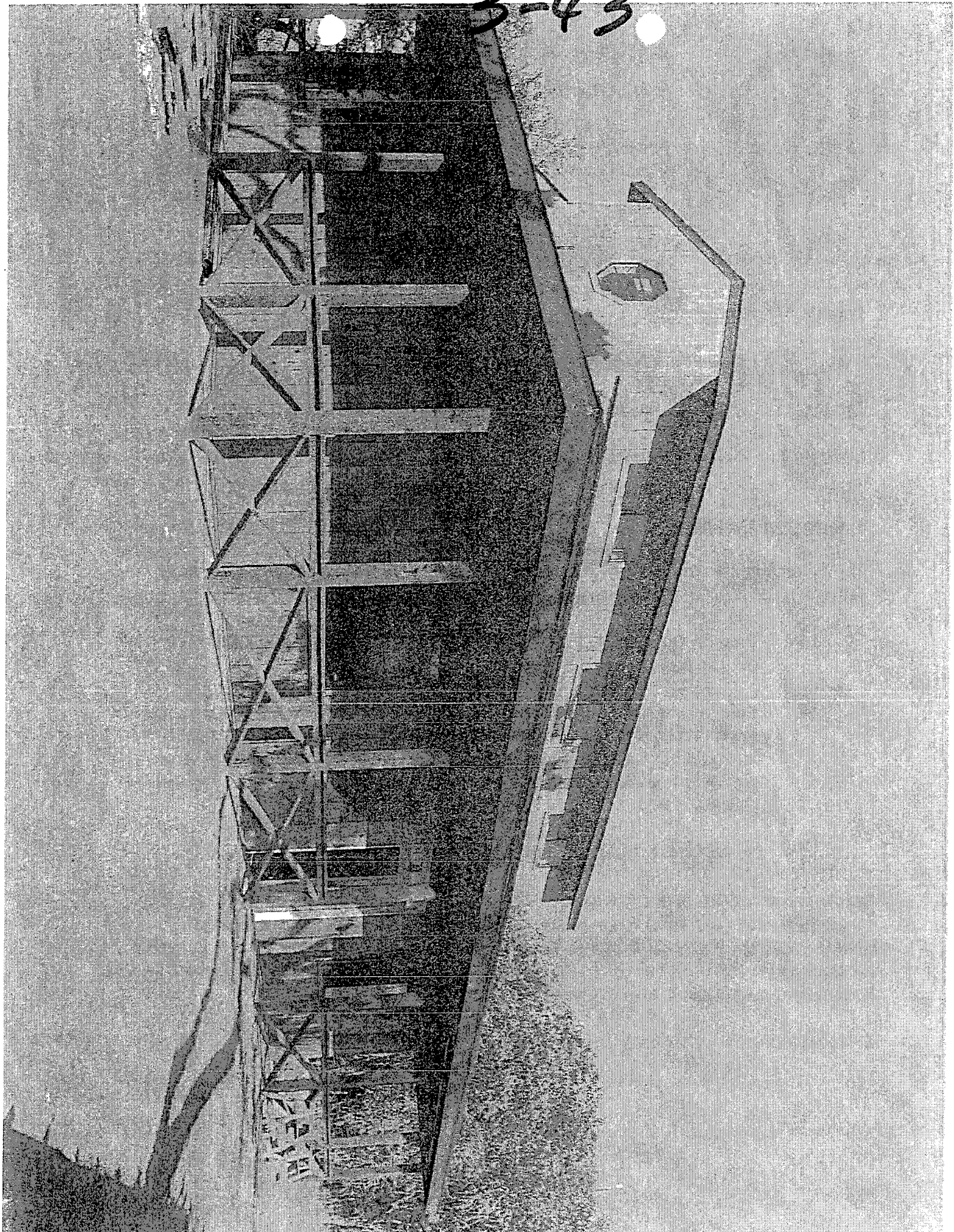
## **Geology and Soils**

**GS-1** An erosion control plan has been prepared by a registered civil engineer and verified by a geotechnical engineer and address the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures. Implementation of the previously-referenced sedimentation and erosion control plan shall be verified by the building inspector **prior to finaling the grading permit.**

## **Public Services**

**PS-1** This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

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COUNTY OF SAN LUIS OBISPO

**Department of Agriculture/Measurement Standards**

2156 SIERRA WAY, SUITE A • SAN LUIS OBISPO, CALIFORNIA 93401-4556  
ROBERT F. LILLEY (805) 781-5910  
AGRICULTURAL COMMISSIONER/SEALER FAX (805) 781-1035

AgCommSLO@co.slo.ca.us

**DATE:** June 9, 2004  
**TO:** Erika Bumgardner, Planner I  
**FROM:** Lynda L. Auchinachie, Agriculture Department  
**SUBJECT:** Gelfand Minor Use Permit, D030089P (0898)

RECEIVED  
JUN 10 2004  
Planning & Bldg

JA

**Summary of Findings**

The Agriculture Department's review finds that the proposed Gelfand Minor Use Permit to convert an existing 1,350 square foot barn into a winery will have:

- ☐ **Potential** to create a significant environmental impact(s) to agricultural resources or operations.
- ☒ **Less than significant** impact(s) to agricultural resources or operations because the project will not result in the conversion of prime agricultural soils or be incompatible with existing on-site or adjacent agricultural uses. The proposed project is consistent with all applicable Agriculture and Open Space Element policies.
- ☐ **No Anticipated Impact** to agricultural resources or operations.

The comments and recommendations in our report are based on policies in the San Luis Obispo County Agriculture and Open Space Element, the Land Use Ordinance, the California Environmental Quality Act (CEQA), and on current departmental policy to conserve agricultural resources and to provide for public health, safety and welfare while mitigating negative impacts of development to agriculture.

If you have questions, please call 781-5914.



**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



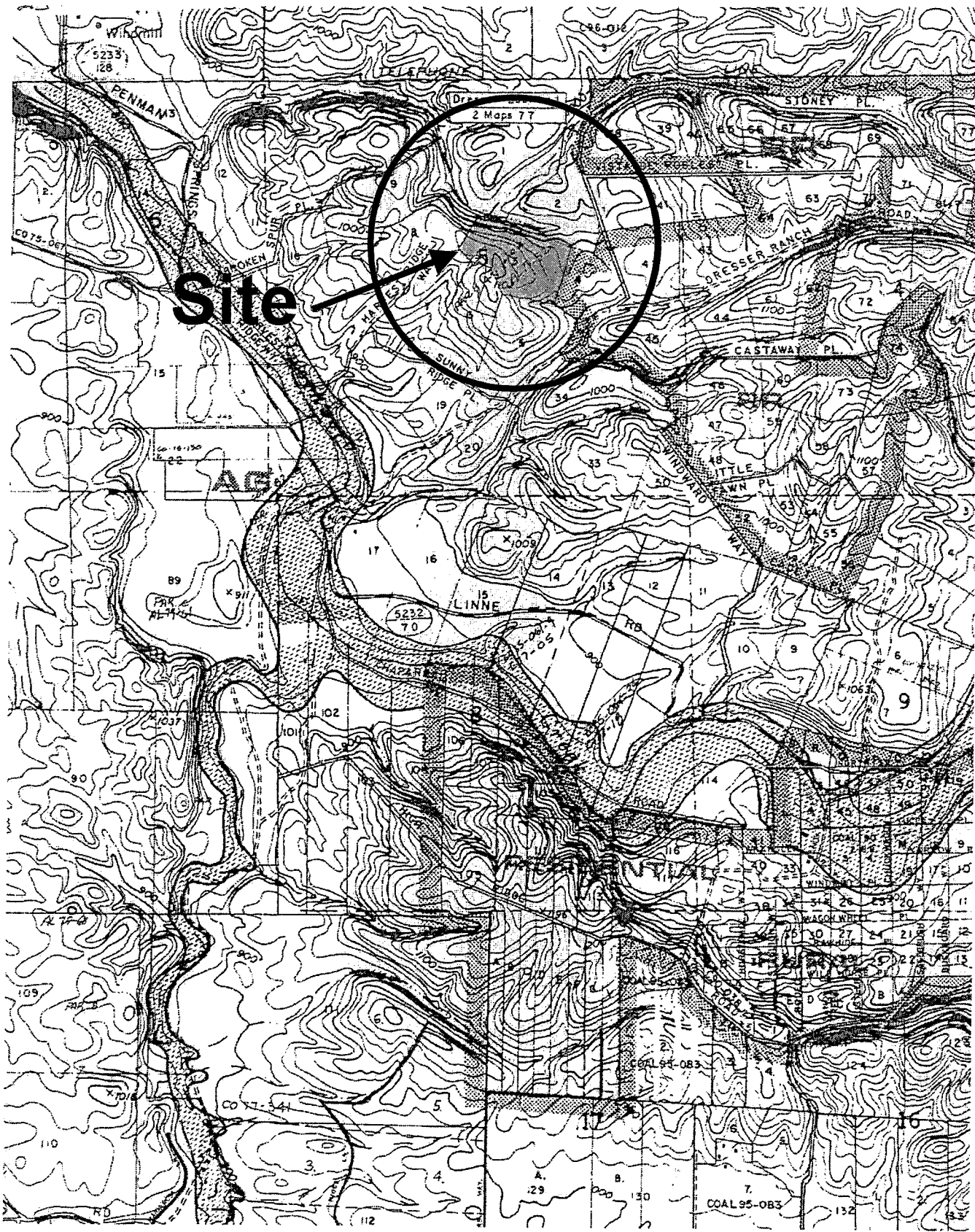
**Minor Use Permit**  
**Gelfand/ D030089P**



### Vicinity Map

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P

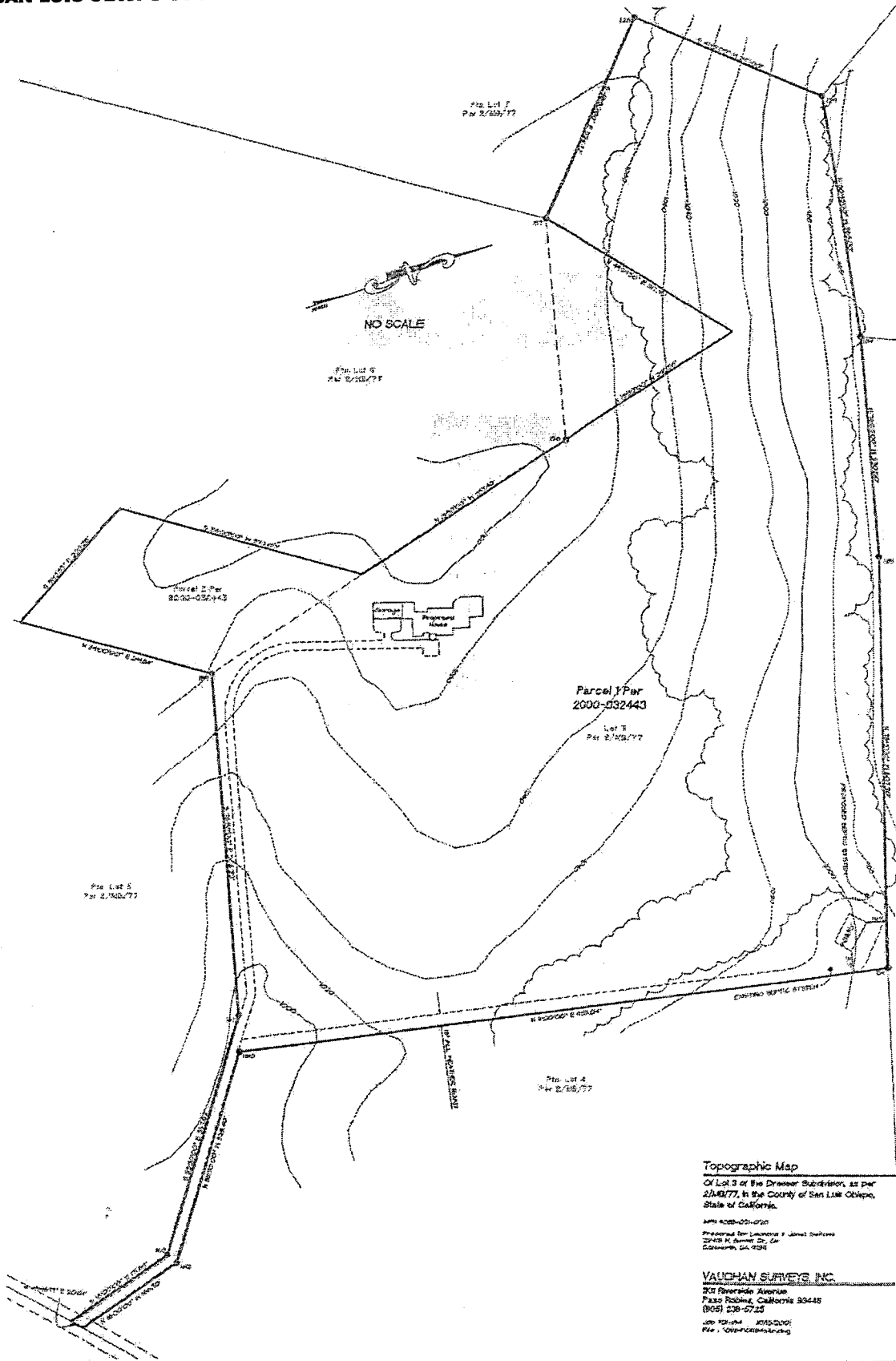


EXHIBIT

Land Use Category Map-AG

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



Topographic Map  
 Of Lot 3 of the Dresser Subdivision, as per  
 2/15/77, in the County of San Luis Obispo,  
 State of California.  
 APR 14/08-021-021  
 Prepared for: Lawrence J. Jones  
 2240 N. Santa Fe Ave.  
 Santa Fe, CA 92084  
 VALUHAN SURVEYS, INC.  
 201 Riverside Avenue  
 Paso Robles, California 93446  
 (805) 336-0723  
 JLD:KRM: 2/15/2008  
 File: 021-021-021.dwg

PROJECT

Minor Use Permit  
 Gelfand/ D030089P

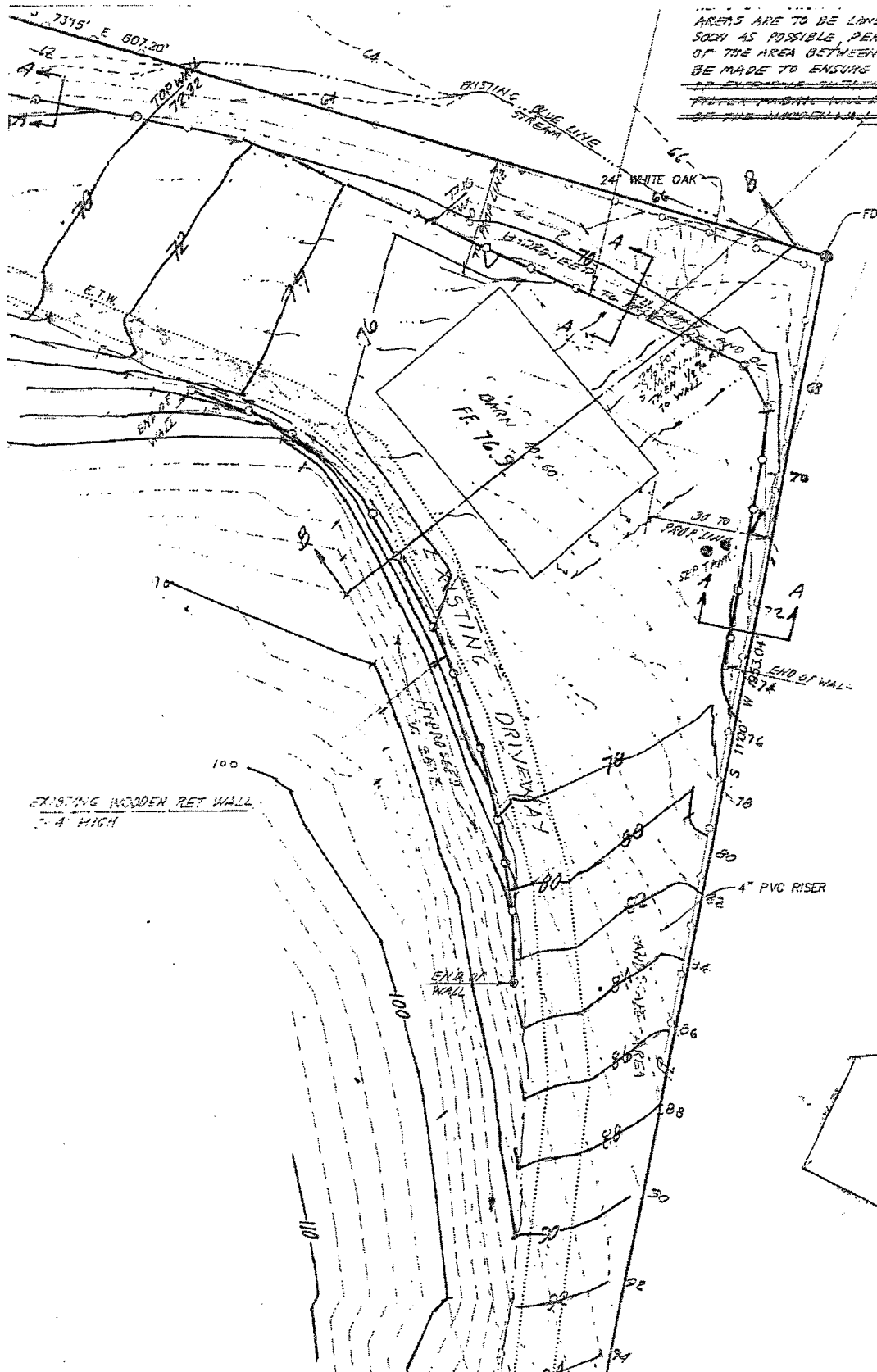


EXHIBIT

Site Plan

# 3-48

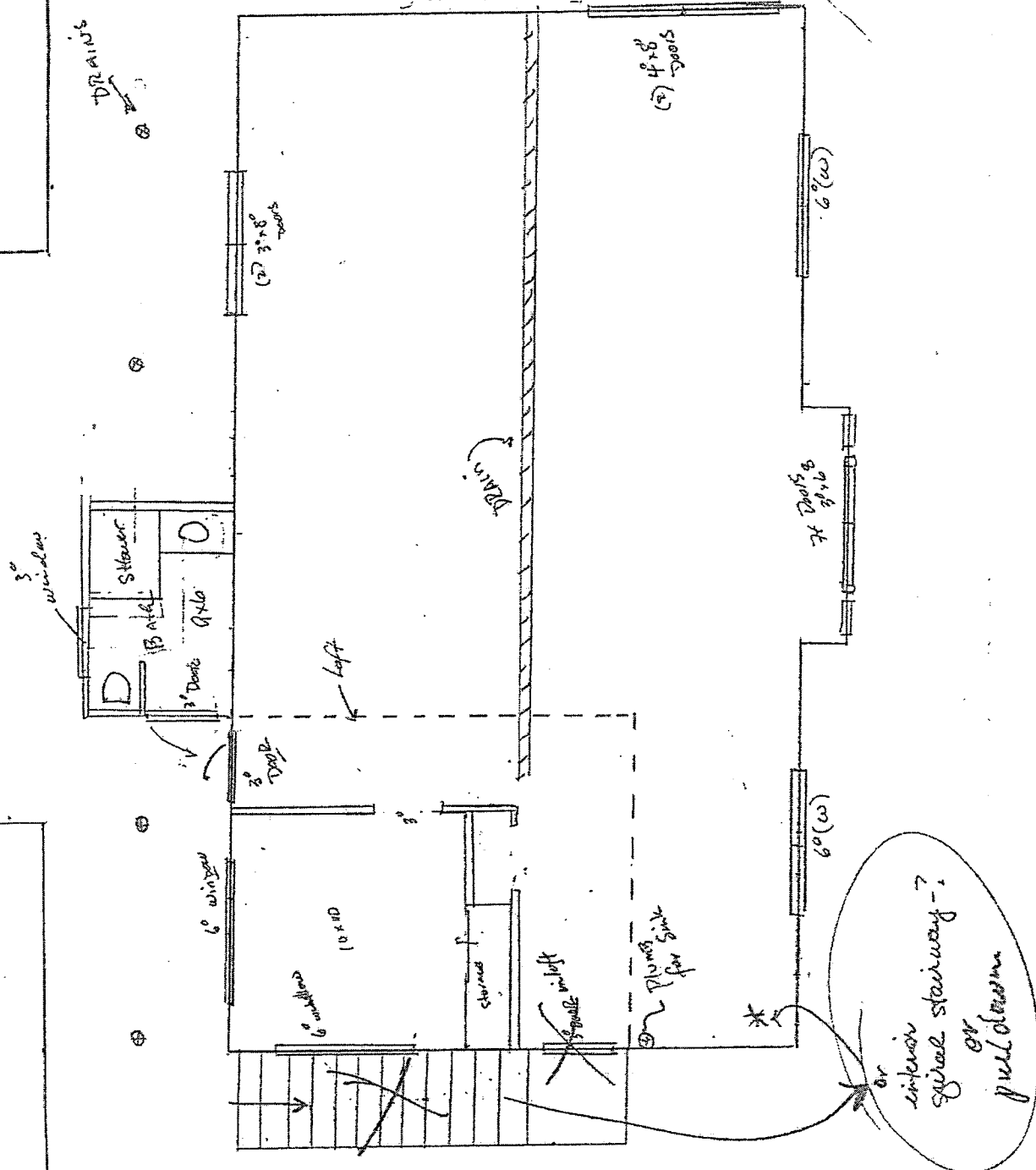
## SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING





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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P

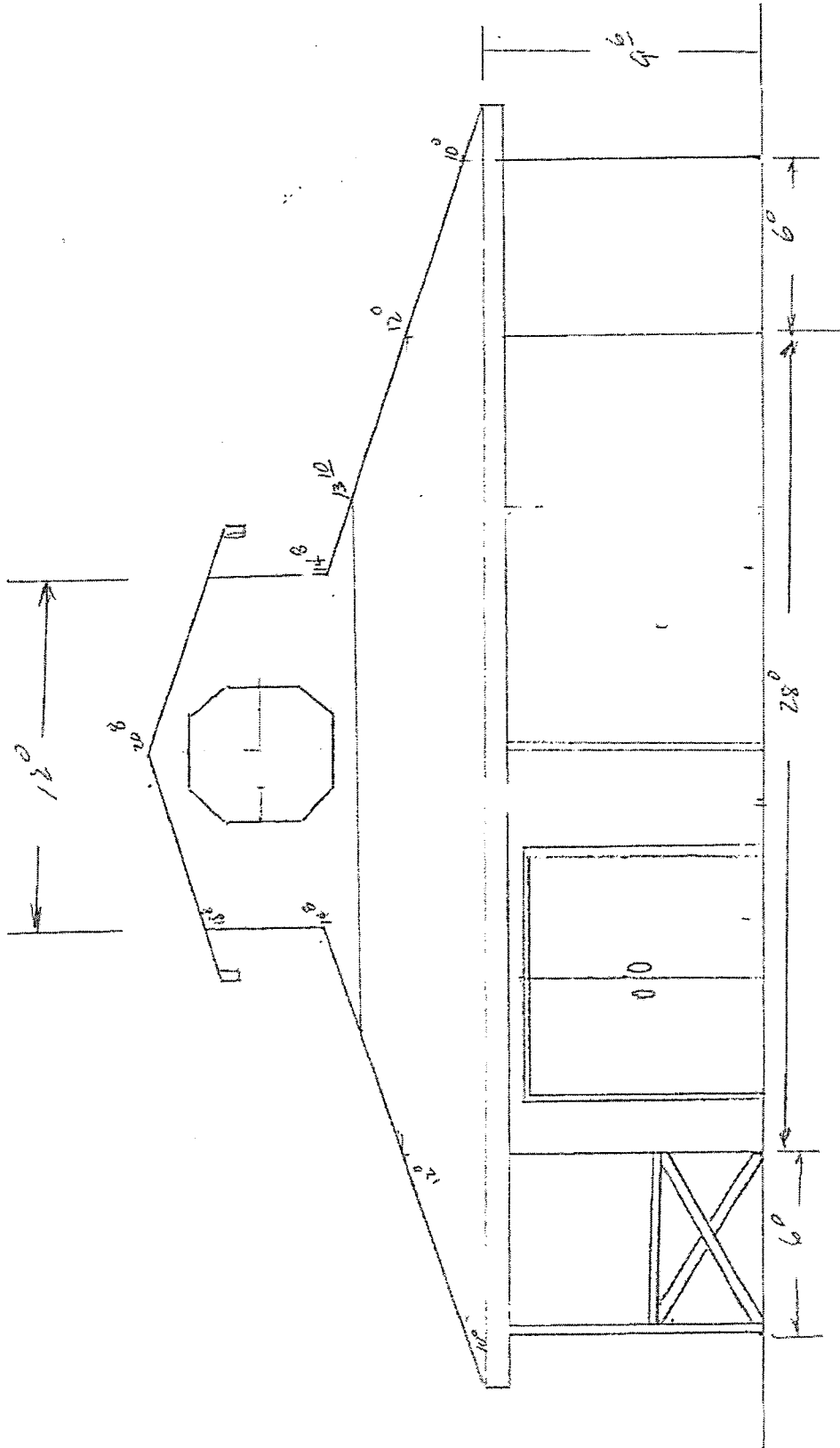


EXHIBIT

Floor Plan

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P

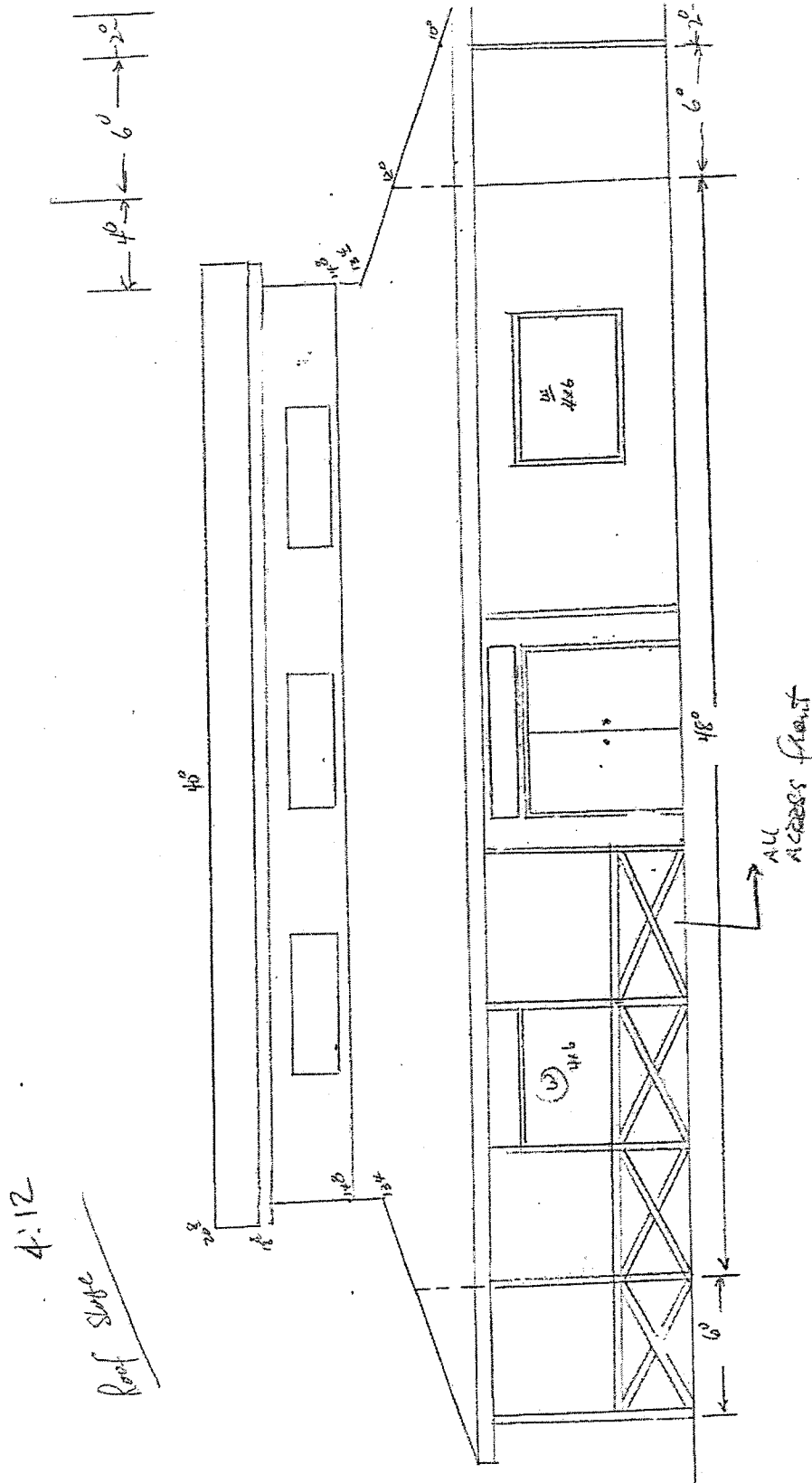


EXHIBIT

Front Elevation

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**

**PROJECT**

**Minor Use Permit**  
**Gelfand/ D030089P**



**EXHIBIT**

### Side Elevation

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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit  
Gelfand/ D030089P



EXHIBIT

Aerial Photo

Date: November 8, 2004

**DEVELOPER'S STATEMENT FOR  
Gelfand Grading Permit PMT2002-14506/ Minor Use Permit  
ED02-523**

The applicant agrees to incorporate the following measures into the project. These measures become a part of the project description and therefore become a part of the record of action upon which the environmental determination is based. All development activity must occur in strict compliance with the following mitigation measures. These measures shall be perpetual and run with the land. These measures are binding on all successors in interest of the subject property.

**Note:** The items contained in the boxes labeled "Monitoring" describe the County procedures to be used to ensure compliance with the mitigation measures.

The following mitigation measures address impacts that may occur as a result of the development of the project.

### **Biological Resources**

Total compensatory mitigation required for the project is 1.4 acres, based on 2 times 0.7 acres impacted. The mitigation options identified in BR-1 through BR-11 apply **to the proposed project only**; should the project change, the mitigation obligation may also change, and a reevaluation of the mitigation measures would be required.

**BR-1 Prior to issuance of grading and/or construction permits**, the applicant shall submit evidence to the County of San Luis Obispo, Department of Planning and Building, Environmental and Resource Management Division (County) (see contact information below) that states that one or a combination of one of the following four San Joaquin kit fox mitigation measures has been implemented:

a. Provide for the protection in perpetuity, through acquisition of fee or a conservation easement of 1.4 acres of suitable habitat in the kit fox corridor area (e.g. within the San Luis Obispo County kit fox habitat area, northwest of Highway 58), either on-site or off-site, and provide for a non-wasting endowment to provide for management and monitoring of the property in perpetuity. Lands conserved shall be subject to the review and approval of the California Department of Fish and Game (Department) and the County.

This mitigation alternative (a.), requires that all aspects of this program must be in place before County permit issuance or initiation of any ground disturbing activities.

b. Deposit funds into an approved in-lieu fee program, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area within San Luis Obispo County, and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

Mitigation alternative (b) above, can be completed by providing funds to The Nature Conservancy (TNC) pursuant to the Voluntary Fee-Based Compensatory Mitigation Program (Program). The Program was established in agreement between the Department and TNC to preserve San Joaquin kit fox habitat, and to provide a voluntary mitigation alternative to project proponents who must mitigate the impacts of projects in accordance with the

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California Environmental Quality Act (CEQA). Your fee, payable to The Nature Conservancy, would total \$3,500. This fee must be paid after the Department provides written notification about your mitigation options and prior to County permit issuance and initiation of any ground disturbing activities.

c. Purchase 1.4 credits in an approved conservation bank, which would provide for the protection in perpetuity of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring of the property in perpetuity.

At this time, there is no approved conservation bank that is operational in San Luis Obispo County. A conservation bank is expected to be operational in the near future. Purchase of credits must be completed prior to County permit issuance and initiation of any ground disturbing activities.

d. If none of the above measures (a, b, or c) are available, the applicant may enter into a Mitigation Agreement with the Department, including depositing of funds into an escrow account (or other means of securing funds acceptable to the Department) which would ensure the protection in perpetuity of 1.4 acres of suitable habitat in the kit fox corridor area and provide for a non-wasting endowment for management and monitoring in perpetuity. The Department can provide a draft agreement to review; a Mitigation Agreement would need to be in place prior to County permit issuance and initiation of any ground disturbing activities.

**BR-2 Prior to issuance of grading and/or construction permits**, the applicant shall retain a qualified biologist acceptable to the County Division of Environmental and Resource Management. The retained biologist shall perform the following monitoring activities:

a. **Prior to issuance of grading and/or construction permits and within 30 days prior to initiation of site disturbance and/or construction**, the biologist shall conduct a pre-activity (i.e. pre-construction) survey for known or potential kit fox dens and submit a letter to the County reporting the date the survey was conducted, the survey protocol, survey results, and what measures were necessary (and completed), as applicable, to address any kit fox activity within the project limits.

b. The qualified biologist shall conduct weekly site visits during site-disturbance activities (i.e. grading, diking, excavation, stock piling of dirt or gravel) that proceed longer than 14 days, for the purpose of monitoring compliance with required Mitigation Measures BR-3 through BR11. Site-disturbance activities lasting up to 14 days do not require weekly monitoring by the biologist unless observations of kit fox or their dens are made on-site or the qualified biologist recommends monitoring for some other reason (see BR-2-c3). When weekly monitoring is required, the biologist shall submit weekly monitoring reports to the County.

c. **Prior to or during project activities**, if any observations are made of San Joaquin Kit fox, or any known or potential San Joaquin kit fox dens are discovered within the project limits, the qualified biologist shall re-assess the probability of incidental take (e.g. harm or death) to kit fox. Before commencing with project activities, the qualified biologist shall contact the U.S. Fish and Wildlife Service and the Department for guidance on possible additional kit fox protection measures to implement and whether or not a federal and/or state incidental take permit is needed.

If incidental take of kit fox during project activities is possible, **before project activities commence**, the applicant must consult with the U.S. Fish and Wildlife Service and the

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Department (see contact information below). The results of this consultation may require the applicant to obtain a Federal and/or State permit for incidental take during project activities. The applicant should be aware that the presence of kit foxes or known or potential kit fox dens at the project site could result in further delays of project activities.

In addition, the qualified biologist shall implement the following measures:

1. Fenced exclusion zones shall be established around all known and potential kit fox dens. Exclusion zone fencing shall consist of either large flagged stakes connected by rope or cord, or survey laths or wooden stakes prominently flagged with survey ribbon. Each exclusion zone shall be roughly circular in configuration with a radius of the following distance measured outward from the den or burrow entrances:

- a) Potential kit fox den: 50 feet
- b) Known or active kit fox den: 100 feet
- c) Kit fox pupping den: 150 feet

2. All foot and vehicle traffic, as well as all construction activities, including storage of supplies and equipment, shall remain outside of exclusion zones. Exclusion zones shall be maintained until all project-related disturbances have been terminated, and then shall be removed.

3. If kit foxes or known or potential kit fox dens are found on site, daily monitoring during ground disturbing activities shall be required by a qualified biologist.

**BR-3 Prior to issuance of grading and/or construction permits**, the applicant shall clearly delineate as a note on the project plans, that: Speed signs of 25 mph (or lower) shall be posted for all construction traffic to minimize the probability of road mortality of the San Joaquin kit fox. In addition, **prior to permit issuance and initiation of any ground disturbing activities**, conditions BR-3 through BR-11 of your Developers Statement/Conditions of Approval shall be clearly delineated on project plans.

**BR-4 During the site disturbance and/or construction phase**, grading and construction activities after dusk shall be prohibited unless coordinated through the County, during which additional kit fox mitigation measures may be required.

**BR-5 Prior to issuance of grading and/or construction permit**, all personnel associated with the project shall attend a worker education training program, conducted by a qualified biologist, to avoid or reduce impacts on sensitive biological resources (e.g. San Joaquin kit fox). At a minimum, as the program relates to the kit fox, the training shall include the kit fox's life history, all mitigation measures specified by the county, as well as any related biological report(s) prepared for the project. The applicant shall notify the County shortly prior to this meeting. A kit fox fact sheet shall also be developed and distributed to all contractors, employers and other personnel involved with the construction of the project.

**BR-6 During the site-disturbance and/or construction phase**, to prevent entrapment of the San Joaquin kit fox, all excavation, steep-walled holes or trenches in excess of two feet in depth shall be covered at the close of each working day by plywood or similar materials, or provided with one or more escape ramps constructed of earth fill or wooden planks. Trenches shall also be inspected for entrapped kit fox each morning prior to onset of field activities and immediately prior to covering with plywood at the end of each working day. Before such holes or trenches are filled, they shall be thoroughly inspected for entrapped kit fox. Any kit fox so

discovered shall be allowed to escape before field activities resume, or removed from the trench or hole by a qualified biologist and allowed to escape unimpeded.

**BR-7 During the site-disturbance and/or construction phase,** any pipes, culverts, or similar structures with a diameter of four inches or greater, stored overnight at the project site shall be thoroughly inspected for trapped San Joaquin kit foxes before the subject pipe is subsequently buried, capped, or otherwise used or moved in any way. If during the construction phase a kit fox is discovered inside a pipe, that section of pipe will not be moved, or if necessary, be moved only once to remove it from the path of activity, until the kit fox has escaped.

**BR-8 During the site-disturbance and/or construction phase,** all food-related trash items such as wrappers, cans, bottles, and food scraps generated shall be disposed of in closed containers only and regularly removed from the site. Food items may attract San Joaquin kit foxes onto the project site, consequently exposing such animals to increased risk of injury or mortality. No deliberate feeding of wildlife shall be allowed.

**BR-9 Prior to, during and after the site-disturbance and/or construction phase,** use of pesticides shall be in compliance with all local, state and federal regulations. This is necessary to minimize the probability of primary or secondary poisoning of endangered species utilizing adjacent habitats, and the depletion of prey upon which San Joaquin kit foxes depend.

**BR-10 During the site-disturbance and/or construction phase,** any contractor or employee that inadvertently kills or injures a San Joaquin kit fox or who finds any such animal either dead, injured, or entrapped shall be required to report the incident immediately to the applicant and County. In the event that any observations are made of injured or dead kit fox, the applicant shall immediately notify the U.S. Fish and Wildlife Service and Department by telephone (see contact information below). In addition, formal notification shall be provided in writing within three working days of the finding of any such animal(s). Notification shall include the date, time, location and circumstances of the incident. Any threatened or endangered species found dead or injured shall be turned over immediately to Department for care, analysis, or disposition.

**BR-11 Prior to final inspection, or occupancy, whichever comes first,** should any long internal or perimeter fencing be installed, the applicant shall do the following to provide for kit fox passage:

- a. If a wire strand/pole design is used, the lowest strand shall be no closer to the ground than 12";
- b. If a more solid wire mesh fence is used, 8" x 12" openings near the ground shall be provided every 100 yards.

Any fencing constructed after issuance of a final permit shall follow the above guidelines.



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**Geology and Soils**

**GS-1** An erosion control plan has been prepared by a registered civil engineer and verified by a geotechnical engineer and addresses the following to minimize temporary and long-term sedimentation and erosion: slope surface stabilization, erosion and sedimentation control devices and final erosion control measures. Implementation of the previously-referenced sedimentation and erosion control plan shall be verified by the building inspector **prior to finaling the grading permit.**

**Public Services**

**PS-1** This project, along with numerous others in the area will have a cumulative effect on police and fire protection, and schools. Public facility and school fee programs have been adopted to address this impact and will reduce the cumulative impact to a level of insignificance.

**Monitoring (San Joaquin Kit Fox Measures):** Compliance will be verified by the Department of Planning and Building.

The applicant understands that any changes made to the project description subsequent to this environmental determination must be reviewed by the Environmental Coordinator and may require a new environmental determination for the project. By signing this agreement, the owner(s) agrees to and accepts the incorporation of the above measures into the proposed project description.

Signature of Owner(s)

Date

November 10<sup>th</sup> 2004

Name (Print)

Leonard Gelfand / Jan Gelfand

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